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Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities
Eighteenth session

Summary record (partial)* of the 336th meeting**
Held at the Palais Wilson, Geneva, on Tuesday, 15 August 2017, at 3 p.m.

Chair: Ms. Degener

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* No summary record was prepared for the rest of the meeting.
** No summary records were issued for the 334th and 335th meetings.

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by parties to the Convention under article 35

Initial report of Panama (CRPD/C/PAN/1; CRPD/C/PAN/Q/1 and Add.1)

1. *At the invitation of the Chair, the delegation of Panama took places at the Committee table.*

2. **Ms. Castro de Tejeira** (Panama), introducing her country's initial report (CRPD/C/PAN/1), said that, since ratifying the Convention in 2007, Panama had made steady progress in implementing it, though some challenges remained. It was developing an inclusive, human rights-based social model that took into account the needs of particular groups, including persons with disabilities, through programmes in areas such as housing, education and employment.

3. After constitutional reform undertaken in 2004 to harmonize national legislation with international law, the National Advisory Council on Disability, a forum representing all sectors, including civil society, had established the National Strategic Plan 2015-2019, whose aim was the social integration of persons with disabilities. The National Secretariat for Disabilities, an autonomous body with its own budget, oversaw and implemented public policy related to disability issues. Its governing council promoted and supported policies on social inclusion, with the participation of representatives of civil society. Its work was complemented by that of the Council, which was responsible for monitoring implementation of the Convention.

4. Aware that access to education represented the first step towards access to decent work, her Government was taking steps to implement inclusive education. Now that Panama had ratified the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled, a commission was being established to ensure its implementation. Education and training were being conducted to familiarize professionals in various fields with the concepts of universal design, inclusive education and access to justice for all. To date, around US$ 333,000 had been spent on training some 300 people.

5. The judiciary's policy on access to justice included provisions for meeting the needs of persons with disabilities. Progress was being made in providing universal access both to the premises of judicial institutions and to court proceedings.

6. The national health policy for the period 2014-2025 included a section on universal health coverage, which aimed to improve access by members of vulnerable groups to public health services. Implementation of an electronic system for collecting statistical data had by 2016 brought the number of persons with disabilities registered in the system to around 154,000.

7. In the framework of the national programme for comprehensive disaster risk management, awareness-raising activities were held to ensure that persons with disabilities received priority attention during emergencies. Since 2016, the National Federation of Persons with Disabilities had participated in that programme.

8. In its efforts to ensure that at least 2 per cent of employment contracts went to persons with disabilities, her Government was monitoring compliance with relevant workplace legislation. Collaboration with the private sector had resulted in the hiring of 3,000 persons with disabilities. Nevertheless, cultural barriers to such recruitments persisted and more awareness-raising efforts were needed. A tripartite commission established in 2014 had studied the requirements of the labour market with a view to upgrading the curriculum for professional technical training to match those requirements.

9. The first national disability survey, conducted in 2006, had found that 11.3 per cent of the country's population had some form of disability. The next such survey would use as a basis the World Health Organization Model Disability Survey.

10. Her Government made available to persons with disabilities software that enabled them to work autonomously in various educational, work and social settings. To bridge the country's digital, economic and social divides, 28 public computer centres, or "infoplazas",

provided inclusive access to information and communication technologies. In that connection, a Citizen Inspector smartphone application for reporting the misuse of parking spaces by persons without disabilities had been introduced. Between 2010 and mid-2017, nearly 17,000 fines had been collected as a result of such reporting. The funds went to organizations working on behalf of persons with disabilities.

11. Her Government had made considerable efforts to raise awareness among the general public of the rights of persons with disabilities and their families. Progress was being made in changing how people behaved towards persons with disabilities and how they referred to them. A national press competition was held annually to raise awareness of disability-related issues among journalists and social activists.

12. There were plans to strengthen synergies with civil society in order to further enhance implementation of the Convention. She wished to acknowledge the contribution of civil society organizations, including those represented at the meeting, to the process of implementing the Convention. Her Government was committed to protecting human rights and promoting their universality to achieve a fairer and more inclusive society.

13. **Mr. Parra Dussan** (Country Rapporteur) said that Panama had made noteworthy progress in enacting legislation to protect the rights of persons with disabilities. It had been among the first countries to ratify the Convention and its Optional Protocol, and had in 2016 enacted Act No. 15, which provided for equal opportunities for persons with disabilities. As had been mentioned, it had also ratified the Marrakesh Treaty. Nevertheless, further efforts were required in a number of areas — for example, medical legislation, inclusive education, the mainstreaming of disability into the implementation of the Sustainable Development Goals, the granting of legal capacity to persons with disabilities, and the development of a legal mechanism for assisted decision-making. Lastly, the participation of persons with disabilities in the labour market needed to be raised to 2 per cent to comply with prevailing legal requirements and the overall financial and economic well-being of such persons needed to be improved. Despite those challenges, Panama was demonstrating a firm commitment to promoting the rights of persons with disabilities.

Articles 1-10

14. **Mr. Alsaif**, commenting on the inclusion in the report of the views of some organizations representing persons with disabilities, said that in his opinion such views should be disseminated in some other way rather than being buried in the report. He would be grateful for information about measures being taken to protect children with disabilities from ill-treatment.

15. **Mr. Ruskus** said that, according to information provided to the Committee, the certification of disabilities by the National Secretariat for Disabilities was slow and costly and he wished to know what steps were being taken to remedy that. He also wished to know to what extent the Equal Opportunities for Women Policy and the National Plan against Domestic Violence made provision for women and girls with disabilities, what research had been conducted into discrimination faced by such women and girls, what measures were in place to promote their inclusion and how they were protected from discrimination, as well as rape and other forms of violence. He also wondered how the State party fostered their participation in political life.

16. Paragraph 380 of the report stated that children's homes in Panama housed a total of 166 children with disabilities, but he understood that in fact the number of such children in State institutions was much higher. The Committee would like information about measures to provide such children with community- and family-based support to ensure that they could lead safe and inclusive lives.

17. **Mr. Tatić** said that he wished to know whether the State party intended to allocate additional financial and human resources for the comprehensive and efficient implementation of the National Strategic Plan 2015-2019. He asked what percentage of the total national budget was represented by the current insufficient funding referred to in paragraph 3 of the replies to the list of issues.

18. He would be grateful if the delegation could provide current statistics regarding complaints of discrimination on the basis of disability and regarding the outcomes of such complaints.

19. He asked why, according to paragraph 358 of the report, women and children with disabilities represented a mere 0.02 per cent of those who received counselling and shelter through programmes run by the National Institute for Women.

20. He would be grateful for information about sanctions imposed for failure to ensure accessibility. It had been gratifying to hear in the opening statement that fines had been collected in some 17,000 cases for parking in spaces reserved for people with disabilities and he wished to know whether the same principle applied in other cases, for example, for failure to apply accessibility standards in buildings. Lastly, he wondered how easy it would be for a wheelchair user to travel to Panama. How accessible were the airport, the public transport system, hotels, government buildings and the like?

21. **Mr. Kabue** said that he would like more information on the selection criteria for persons with disabilities working within the National Secretariat for Disabilities. He asked whether any steps had been taken to address the lack of financial and human resources available to the Secretariat in order to facilitate its implementation of the National Strategic Plan 2015-2019. If the Secretariat lacked the capacity to implement the Plan, he wondered how it would be capable of implementing the road map for the protection and care of persons with disabilities within the framework of comprehensive risk, emergency and disaster management. He would also appreciate clarification on the status of the guidelines that were being developed to improve the participation of relevant non-governmental organizations (NGOs) in policy development and implementation.

22. **Mr. Ishikawa** said that he would like to know whether there were plans to introduce the current pilot projects on accessibility at the national level.

23. **Mr. Kim** Hyung Shik said that there was little evidence that the State party had cooperated with organizations of persons with disabilities in the preparation of the State party report and he would appreciate an explanation as to why. He would like to know what measures were being taken to assist indigenous women and children with disabilities and to what extent civil society organizations had been consulted in the preparation of the State party report.

24. **Mr. Rukhledev** said that he would welcome information as to whether the National Association of the Deaf in Panama was among the NGOs represented on the Board of Directors of the National Secretariat for Disabilities and the National Advisory Council on Disability. He asked how article 8 of the Convention was being implemented in Panama, in the absence of sign language interpreters, and whether the State party intended to officially recognize sign language and provide training in sign language interpretation.

25. **Mr. Chaker** said that he would appreciate information on the steps taken to ensure that children with disabilities had access to community-based programmes and services. He asked for data on the human and financial resources allocated for that purpose.

26. **Mr. Martin** said that he would like to know how many persons with disabilities were involved in planning and mounting awareness-raising campaigns on the rights of such persons, and whether persons of all types of disability, including intellectual and psychosocial disabilities, had participated in such efforts.

27. **Mr. Buntan** said that he was concerned by the use of the term "prevention" in the State party report in relation to disability, as it did not correspond to the mandate of the Convention and did not promote a positive image of disability. He asked whether the State party was taking steps to enforce a law that would guarantee accessibility for persons with disabilities and whether the Government took into consideration internationally recognized accessibility standards when introducing national standards, particularly with regard to information and communication technologies.

28. **The Chair** said that she, too, was concerned by the references in the State party report to the prevention of disability, in paragraph 109, for example. She wished to remind the delegation that the Convention did not aim to prevent disability but to guarantee the

rights of persons living with disabilities. She would appreciate a comment on how the State party could justify such stigmatization of persons with disabilities in view of its obligations under the Convention. Following consultations with civil society organizations, she had been informed that the medical model of disability prevailed in Panama. She also noted with regret that the telethons staged in Panama promoted a charity-based model of disability.

29. **Mr. Parra Dussan** said that he would welcome a comment on whether the National Disability Council was an effective and fully operational institution for addressing disability-related issues. He would also appreciate data on sanctions that had been imposed as a result of discrimination against persons with disabilities. He asked whether Act No.15 of 2016 had managed to harmonize domestic legislation with the Convention, whether a clear policy had been adopted on public fundraising for persons with disabilities and whether the State party might consider focusing on ensuring the rights of persons with disabilities rather than promoting a charity-based model of disability.

The meeting was suspended at 4 p.m. and resumed at 4.25 p.m.

30. **Ms. Díaz** (Panama) said that the National Secretariat for Disabilities was the overarching body responsible for implementing public policy on disability. The Government sought to mainstream disability issues within each of its ministries, given their cross-cutting nature. The National Disability Council comprised a number of different commissions that met periodically. The commissions had managed to meet only once during the current reporting period, but efforts would be made to hold meetings more regularly. The commissions submitted periodic reports to the National Secretariat for Disabilities. The National Strategic Plan 2015-2019 had been drawn up in consultation with civil society organizations.

31. **Ms. Velasco** (Panama) said that Act No. 42 of 2009 guaranteed the accessibility of the physical environment for persons with disabilities and their families. The amendment to that Act, namely Act No. 15 of 2016, provided for harsher sanctions in the event of a violation of the right to accessibility and included new measures to implement architectural and urban accessibility requirements. The Technical Advisory Committee on Universal Accessibility had recently been established and had held 42 meetings thus far.

32. **Ms. Medina** (Panama) said that the Government was supervising the work of construction companies in order to ensure accessibility of the physical environment for persons with disabilities. Training sessions and over 40 outreach days had been held in universities across the country in an effort to raise awareness of disability-related issues. Accessibility inspections of housing, health-care facilities and public transport had also been carried out. A hotline was available for members of the public to register complaints in the event of poor accessibility of public services. If a complaint was substantiated, the municipal authorities imposed the relevant sanctions.

33. **Mr. Miranda** (Panama) said that there was no State budget specifically allocated to persons with disabilities, although it was possible to estimate figures by examining public expenditure on social services, such as health care and community development. There were a number of entities that invested in projects aiming to promote social inclusion, access to health care and eradication of poverty for persons with disabilities. Between 2014 and 2017, the National Secretariat for Disabilities had been allocated a budget of US$ 22 million to promote equal opportunities for persons with disabilities. Significant resources had also been provided for special education, the hiring of specially trained teachers, grants for students with disabilities, mental health services, indigenous people with disabilities and measures to improve the employability of persons with disabilities. Millions of dollars had been invested in projects such as the "Guardian Angel" programme. Approximately 3 per cent of the total expenditure on such projects had been allocated to indigenous areas. State investment in disability-related issues had increased progressively over recent years.

34. **Ms. Espinosa** (Panama) said that a plan had been introduced whereby persons with disabilities were alerted to the threat of a natural disaster through the use of differently coloured flags. A yellow flag was used in the event of an earthquake, a blue flag in the event of a flood and a red flag in the event of a fire. A road map developed with the participation of a number of civil society organizations and State bodies had been

introduced between 2014 and 2016 for the protection of persons with disabilities within the framework of disaster management. Since 2016, sign language interpretation had been made available within the National Civil Defence System in order to ensure that persons with disabilities were informed of potential risks and disasters.

35. A number of educational projects had been initiated in order to build the capacities of young persons with disabilities within the context of disaster risk reduction. For example, in 2015-2016 an inclusive education project had assisted approximately 5,000 students. A project had also been launched in 2017 to promote safe and inclusive educational environments and to address the issue of climate variability. Efforts had been made to build the capacities of emergency services across eight regions of the country, including indigenous areas, and a number of school supervisors had been trained in disaster risk management. Between 2014 and 2016, workshops on disaster risk management had been held across the country which had been attended by 3,000 students. A manual on disaster risk management was available, in addition to online courses, which offered recommendations to young persons with disabilities, caregivers and teachers in cases of emergency.

36. A website that provided legal and political information and videos on disaster risk reduction had been created. In 2016, a municipal guide on disaster risk reduction had been prepared by the Japan International Cooperation Agency. Since 2012, 12,000 people had received training in disaster risk reduction. Capacity-building days were currently being organized with a view to enhancing the resilience of young persons with disabilities in such situations. A disaster risk prevention and management programme was also in place.

37. **Ms. Medina** (Panama) said that the authorities had streamlined the process of disability certification. As a result, a process that had initially taken up to 18 months could currently be completed in two. Disability certification was available nationwide, not only in the major urban areas. A number of inter-institutional cooperation agreements had been put in place with a view to preparing future board members for service on the boards that made disability determinations and thus to respond more expeditiously and effectively to the persons who chose to request certification of their disabilities.

38. **Ms. Díaz** (Panama) said that the amendments to Act No. 42 of 1999, which had brought the Act into line with the Convention, had been adopted on the initiative of Panamanian civil society. The drafting of the amended Act's implementing regulations, which were currently being adopted, had also been led by civil society.

39. Panama did not follow the medical model of disability. The certification of disability, which was a holistic process, took into consideration a person's ability to participate in the life of his or her community. The degree of a person's disability depended in part on his or her surroundings.

40. Panamanian women with disabilities were doubly vulnerable, and even more so when they lived in rural or indigenous areas. The National Secretariat for Disabilities had therefore mapped the areas of the country that its programmes had not reached and drawn up a workplan in which priority had been given to projects in indigenous areas and in the areas of greatest vulnerability and to projects focusing on women.

41. In connection with disaster risk reduction, she said that the Secretariat had ensured that Panamanian Sign Language interpreters were present to interpret all relevant speeches by the President of the country and the director of the National Civil Defence System. The Secretariat had also financed the production of a handbook on accessibility by the students in a postgraduate programme on universal design.

42. Numerous meetings had been held to discuss how to facilitate the free movement of persons with disabilities, but there was still much to be done. Only with great difficult could persons with disabilities in Panama travel the country's busiest routes. When the Secretariat received complaints of anomalous barriers, it immediately alerted officials from the Land Transit and Transport Authority. Although the situation was difficult, a dynamic civil society, well-defined policies and a widely supported strategic plan would enable considerable improvement.

Articles 11-20

43. **Mr. Martin** asked what steps Panama had taken to make sure that people with disabilities could be witnesses in court, were respected and could make important decisions, including legal decisions, on their own. Turning to article 19, he wondered what the country was doing to make sure that people with disabilities could live independently and were included in the community. It was important for them to be able to get out and about. It was also important for them to be seen.

44. **Mr. Buntan** said that he wished to know what the State party had done to reflect the principles of the Sendai Framework for Disaster Risk Reduction, according to which persons with disabilities were not simply vulnerable persons in need of help but also possible contributors to the management of disaster risk. He wondered whether the Panamanian Government had developed a policy to promote access to justice for persons with disabilities by empowering such persons to work as judges, prosecutors and lawyers or as members of other legal professions. Lastly, he wished to know what policy the Government had on subjecting persons with disabilities to forced sterilization or abortion.

45. **Mr. Ruskus** said that he wished to know whether the State party intended to repeal discriminatory provisions regarding guardianship regimes for persons with disabilities, while restoring their full legal capacity and developing mechanisms for supported decision-making. He would welcome information on the steps taken by the State party to ensure the safety and liberty of persons with psychosocial disabilities. It would be particularly interesting to know whether there were any provisions prohibiting the involuntary commitment or detention of persons with disabilities on the basis of their disability. An indication of the measures taken by the Government to prevent the abuse of persons with disabilities and to enable them to live independently in the community would also be welcome. In the latter connection, he asked to what extent community-based services such as health care and education were accessible to persons with disabilities and what measures had been taken to enable and encourage such persons to play active and varied roles in their communities.

46. **Mr. Tatić**, noting that the Committee would shortly be adopting a general comment on the right to independent living, said that he would welcome as much information as the delegation could provide on the options available to persons with disabilities who needed assistance around the clock. It would be interesting to know, for instance, whether there were professional services for such persons, whether they relied on their families or whether they were put in institutions. In addition, he wondered what plans had been made to provide persons who needed assistance around the clock with the resources that would enable them to live independently in their local communities. Lastly, he asked how the authorities ensured that information about social welfare services was accessible to all persons with disabilities.

47. **Mr. Chaker** said that he wished to know how many sign language interpreters worked in the justice system at the national level.

48. **Mr. Alsaif** said that he would welcome an indication of the names and numbers of cases or judicial rulings regarding either the torture or the abuse of persons with disabilities.

49. **Mr. Ishikawa** asked whether the Panamanian authorities had taken measures to minimize any regional disparities in the provision of services to persons with disabilities that could arise as a result of the country's efforts to decentralize disability policy and whether any measures were being taken to help local governments provide support for independent living, for instance.

50. **Mr. Rukhledev** said that he wished to know what steps were taken to ensure that the sign language interpreters providing support to deaf persons in court proceedings were properly qualified. He wondered in particular whether NGOs or associations of deaf persons were involved in efforts to certify sign language interpreters.

51. **Mr. Kim** Hyung Shik asked whether the State party had data on persons with disabilities living in institutions that could be broken down by gender, age and type of disability. In view of information provided in the State party's report, he wondered whether the State party's understanding of the concept of living independently was fully developed.

In that connection, he asked whether the State party had any plans to respond to reports that, because the physical environment and information were insufficiently accessible, independent living in Panama was not yet possible. He wondered whether the State party had any plans to develop a deinstitutionalization policy that could actually be carried out.

52. **Mr. Kabue** said that he wished to know whether legal aid was made available to persons with disabilities whose rights had been violated. Regarding protection from violence and abuse, he asked what safeguards had been put in place to ensure that safe havens or shelters for children with disabilities did not become institutions by another name.

53. **The Chair** asked what the State party had done to train judges and other legal personnel on the human rights model of disability. The answer to that question would shed welcome light on the steps that the State party had taken to move away from a view of disability as an issue to be addressed exclusively through medical intervention, including preventive efforts, and charity. She would welcome an indication of the findings of the study on equal access to justice mentioned in paragraph 178 of the State party's report. It would be interesting to know what steps, if any, had been taken in response to the study and whether organizations of and for persons with disabilities had taken any part in it.

54. She asked what plans the State party had made to ensure that women with disabilities could enjoy their rights under articles 14, 16 and 17 of the Convention. In that connection, the figures provided by the State party suggested that the shelters and counselling services provided by the National Institute for Women were inaccessible to women and children with disabilities. She wondered whether the laws prohibiting forced psychiatric treatment, forced institutionalization, solitary confinement and the use of physical restraints in institutions, forced drug and/or electroshock treatment, forced abortion and forced sterilization were enforced and, if not, what steps were taken to ensure that they were. Lastly, she would welcome more information on how the Fami-Empresa Project had helped empower women with disabilities.

55. **Mr. Parra Dussan** asked whether the State party intended to introduce a bill on supported decision-making, as a number of other countries had done, in order to bring Panamanian law fully into line with article 12 of the Convention. He understood that involuntary commitment had been prohibited, but he wondered whether persons with disabilities were not still sometimes committed to institutions against their will and what happened when it was necessary to keep persons who lacked legal capacity from being a danger to others.

56. It would be interesting to know whether plans had been made to pay family caregivers and whether the State party had any studies or statistical information on discrimination against persons with disabilities. He would especially welcome an indication of any punishments that had been imposed for discrimination. Lastly, he asked why the telethon, which conveyed an image of persons with disabilities as persons in need of charity, was still given prominence.

The discussion covered in the summary record ended at 5.20 p.m.

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Convention on the Rights of Persons with Disabilities

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23 August 2017

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Committee on the Rights of Persons with Disabilities
Eighteenth session

Summary record of the 337th meeting
Held at the Palais des Nations, Geneva, on Wednesday, 16 August 2017, at 10 a.m.

Chair: Ms. Degener

Contents

Consideration of reports submitted by parties to the Convention under article 35 (*continued*)

Initial report of Panama (*continued*)

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by parties to the Convention under article 35 (*continued*)

Initial report of Panama (*continued*) (CRPD/C/PAN/1; CRPD/C/PAN/Q/1 and Add.1)

1. *At the invitation of the Chair, the delegation of Panama took places at the Committee table.*

2. **Ms. Díaz** (Panama), said, with reference to article 3 of the Convention, that the adoption of Act No. 15 of 2016 had marked the start of introducing the disability perspective into all activities and services aimed at the population in general. In line with calls from civil society, it addressed a number of shortcomings in Act No. 42 of 1999, such as the narrow and medically based definition of disability, obsolete and anachronistic penalties for offences and an outmoded approach to accessibility. Act No. 15 bolstered the country's legal framework in the area of disability, establishing more efficient legal provisions and mechanisms. Moreover, the terminology used had been substantially revised and updated, particularly with regard to physical accessibility and the definition of "person with a disability", which had been amended to include the fact that the concept of disability referred to the interaction between an individual's limitations and personal and environmental factors, in line with the Convention. The concepts covered in article 24 of the Convention, on the right to education, were also included, and the responsibilities of State bodies were set out more clearly than in Act No. 42, which had left some room for avoidance of obligations.

3. Turning to article 4, particularly subparagraphs (d) and (e), she explained that Telethon 20-30 had been run by a non-governmental civil society organization since 1981 and had always promoted infrastructure projects to provide care and rehabilitation for persons with disabilities. Once facilities had been built, they were transferred to government administration and management. The Government acknowledged the Committee's concern with regard to the incompatibility between such fundraising activities and the rights-based approach to disability and hoped that its recommendations could be used as a basis for making progress, in conjunction with key stakeholders and civil society.

4. **Ms. Rudy Arellano** (Panama) said that the Government had established a commission to support and monitor the implementation of the Sustainable Development Goals and was incorporating them into its strategic social and economic planning, which was based on the principle of social equity. The six elements of the National Strategic Plan 2015-2019 were closely linked to the Goals, focusing on health, education, employment, public services, human rights and access to technology. The National Strategic Plan for the Social Inclusion of Persons with Disabilities and their Families, formulated with input from civil society and the public authorities, aimed to overturn negative social models of disability and ensure that the rights of persons with disabilities were upheld. The Plan, which was also aligned with the Sustainable Development Goals, was intended for use in planning at national level to ensure that the objectives of the National Strategic Plan 2015-2019 were met and to provide public, private and civil society organizations with a framework for developing projects to improve the quality of life and empowerment of persons with disabilities and their families, particularly in relation to gender and social equity. An action plan for international cooperation for the years 2017 to 2019, which included projects incorporating a disability perspective, was also being implemented.

5. **Ms. Velasco** (Panama) said, with reference to article 6 of the Convention, that a comprehensive training programme, covering topics as varied as gender-based violence, self-esteem and project development, was helping to empower women in general and enabling women with disabilities to enter the world of enterprise and improve their economic situation. The majority of women participating in the programme were heads of families.

6. Combating violence and discrimination against women had been established State policy since 2015. A high-level inter-institutional agreement set out commitments and measures to prevent the murder of women, and progress had been made in a number of

areas. The Criminal Code had been amended to include the offence of femicide and other legislation had been passed to prevent violence against women. A national committee on the subject had been set up and steps had been taken to improve coordination among police and prosecutors in their dealings with the victims of gender-based violence. A dedicated police service specializing in cases of gender-based violence had been established, with 40 units across the country. Four shelters had been set up for victims, including children. Other achievements included the creation of departments within the prosecution services to ensure equal opportunities in accessing justice, information centres for women to provide legal and psychological support and an awareness-raising campaign.

7. With regard to article 7 of the Convention, a comprehensive approach had been taken to the rights of children deprived of parental care or at risk of being so deprived. Fostering arrangements had been pursued and formalized, enabling 87 children, including 28 with disabilities, to enjoy the right to live in a family once more by December 2016. A protocol had been introduced on comprehensive care for children and adolescents who were victims of sexual violence, focusing on rights and the best interests of the minor, with no discrimination of any kind. Similar inter-institutional arrangements were in place for child and adolescent victims of abuse and commercial sexual exploitation, including special protection for victims with disabilities. A national intersectoral committee to prevent violence against children and adolescents had resumed its activities early in 2017 and a survey of the situation across the State party was nearing completion. A national prevention strategy was being devised to review legislation and plan action to prevent violence against children, including children with disabilities.

8. **Mr. Miranda** (Panama) said, with respect to article 8 of the Convention, that various activities had been undertaken to raise awareness of the rights of persons with disabilities and their families, especially among civil servants. They included workshops on awareness campaigns, with participation by persons with disabilities; the design of a mascot for the National Secretariat for Disabilities; themed speaking and painting contests for secondary school pupils nationwide; campaigns to stop misuse of reserved parking areas; and a social media campaign promoting equal rights and dignity.

9. **Ms. Medina** (Panama), referring to article 9 of the Convention, said that accessibility was already a requirement for new buildings in Panama City and similar arrangements were being extended to the rest of the country. Construction work at Tocumen International Airport was being carried out in close collaboration with the administrative authorities to ensure that accessibility was taken into account in design and planning. Efforts were being made to improve access to Government buildings, including by providing accessible routes through public spaces, and to improve inter-institutional awareness and coordination on the issue, with inspections carried out periodically. There were plans to replicate in other local government areas the success of the Panama City technical advisory committee, which operated on the principle of universal accessibility. The National Secretariat for Disabilities was taking steps to raise awareness of disability-related legal issues, risk management and architectural considerations among companies in the air and surface transport sectors, promoting a rights-based approach.

10. The rights of the hearing-impaired community, including the right to communicate in their natural language, had been recognized for many years. Recently, however, a change to legislation had categorically established Panamanian Sign Language as the natural language of persons with hearing disabilities. Other alternative means of communication were also being encouraged to promote language development.

11. **Ms. Vega Sánchez** (Panama) said, with regard to articles 12 and 13 of the Convention, that the State party's legislation provided for legal assistance to be given to victims of crime, including free legal aid in cases of economic hardship. Act No. 82 of 2013, on measures to prevent violence against women, specifically provided that women with disabilities were entitled to equal treatment with all members of their family and to be provided with appropriate spaces and conditions of equity, opportunity and autonomy. The legal aid department had a team of lawyers across the country; its numbers had doubled between 2011 and 2017, and currently stood at 61. Legal aid had been provided to persons with disabilities, including 31 women and 6 men, in domestic violence cases in 2016.

12. Agreements were in place between the judicial authorities, the National Secretariat for Disabilities and other disability bodies to provide sign language services in trials involving a person with a hearing disability. The judicial authorities had 26 members of staff trained in Panamanian Sign Language. The courts ensured that domestic and international law on the rights of persons with disabilities was upheld. In some cases, alternative, non-custodial sentences had been handed down to avoid harm to the physical or mental integrity of persons with disabilities. In others, the Supreme Court had ordered the reinstatement of persons with disabilities or parents of children with disabilities in their jobs.

13. The statistics showed that, up to 2015, 34 people working for the judicial authorities at various levels had declared a disability voluntarily. Technical aids had been purchased and adjustments made to enable them to fulfil their roles and to improve accessibility in the working environment. Labour legislation covering the staff of the judicial authorities stipulated that parents or guardians of children with disabilities were entitled to paid leave for their children's treatment appointments.

14. In line with rulings of the Supreme Court, Panama recognized the constitutional hierarchy of international human rights protection instruments. The standards enshrined in domestic legislation were considered a minimum and did not preclude others that had a bearing on fundamental guarantees.

15. The authorities had conducted a study on the legal personality of persons with disabilities, the recommendations of which would be evaluated and transmitted to the appropriate bodies for consideration. In parallel, the judicial authorities were raising awareness among judges and magistrates, who would be responsible for applying the new provisions, through educational events organized in conjunction with units dealing with access to justice and gender issues. A group of judges and magistrates from the family courts were working on the reform of the Family Code, addressing issues such as guardianship. The Government recognized the need to continue supporting persons with disabilities in exercising their legal capacity and to ensure that they enjoyed the right to a fair trial in criminal proceedings.

16. Steps taken by the judicial authorities to guarantee human rights and access to justice for persons with disabilities included disseminating relevant domestic and international law, adapting infrastructure, using technology in judicial proceedings, publishing information in accessible formats and establishing guidelines on dealing with vulnerable groups, including persons with disabilities. Mobile mediation services were available for persons with reduced mobility. An assessment report on equal access to justice for women, persons with disabilities and adolescents in conflict with the law had resulted in the adoption of an official policy on access to justice and gender by the Supreme Court in 2009.

17. **Ms. González** (Panama) said that mental health problems were detected and treated in a timely manner and patients had access to the necessary psychoactive medication. Mental health services were undergoing reform and would increasingly be available at the primary care level. Panama was a member of the subregional suicide monitoring body for Central America and the Dominican Republic and had used the World Health Organization Mental Health Gap Action Programme to train basic health-care providers. Persons with mental disabilities who posed a risk to themselves and others received involuntary treatment for their own protection.

18. The Government acknowledged that the legislation on the sterilization of women needed to be amended to protect the rights of women with disabilities. Self-induced abortion or consent to an abortion was punishable by imprisonment of 1 to 3 years, and the performance of an abortion with the mother's consent by imprisonment of 3 to 6 years, but it was considered lawful if the pregnancy was the result of rape or if the life of the mother or fetus was at risk.

19. **Ms. Espinosa** (Panama) said, with reference to article 19, that an executive committee on decentralization, which included representatives of the National Secretariat for Disabilities, had been established to oversee the process of municipal decentralization. Municipal resource allocations were calculated using a solidarity-based formula and the minimum allocation was adjusted biennially in line with tax receipts.

20. In 2016, over 125 million balboas (B) had been invested in municipal projects and public consultations had been held on 1,366 such projects. Communal councils had received over B 70 million and municipal town halls over B 8 million through the programme for investment in public works and municipal services. Under that programme, 7,179 projects had been approved across the country, on a budget of B 98 million. Funding also continued to be provided for projects under the community development and public infrastructure programme.

21. In 2017, communal councils and municipal town halls had received almost B 80 million and a total of 1,255 projects had been approved, on a budget of more than B 100 million. Between 2012 and 2016, training on disability policies and the rights of persons with disabilities had been provided to staff of 768 local authorities, including senior officials and representatives of indigenous peoples, and a complementary guide had been published.

22. **Ms. González** (Panama) said that the home care system for persons with a moderate to severe illness currently catered for over 4,000 persons. Primary care facilities implemented a comprehensive care programme for adults and older persons. More than 3,000 persons received home assistance under the palliative care programme.

23. **Ms. Díaz** (Panama) said that there were 25 sign language interpreters registered with the National Association of Sign Language Interpreters. A degree programme in sign language interpreting had been introduced in 2016. The provisions on sign language interpreting in the legislation on equal opportunities had been brought into line with international standards. An inter-institutional committee would be established shortly to provide support to sign language interpreters.

24. **Mr. Chaker** asked how the State party ensured that persons with disabilities could exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and, in particular, what measures were taken to ensure that they received information intended for the general public in a timely manner. He also enquired what steps had been taken to ensure the provision of sign language interpreting for television programmes, including news broadcasts.

25. **Mr. Buntan** said that he would like to know the legal basis for the provision of sign language interpreting, audio description and captioning for television broadcasting. He would also like to know how the State party interpreted and implemented the concept of inclusive education and whether special education establishments served to support a transition from segregation to mainstreaming. Lastly, he would welcome information on the participation of persons with disabilities in political and public life, including clarification as to whether persons deprived of legal capacity were able to exercise their voting rights.

26. **Mr. Rukhlodov** asked whether there were any State programmes or requirements regarding education for deaf persons, whether the University of Panama offered teacher training on working with deaf children; and whether sign language interpreting was available for deaf students. He further enquired whether there were any members of the National Assembly with disabilities; whether voting procedures, facilities and materials were accessible to persons with disabilities; and whether sign language interpreting or captioning was provided for televised political statements and debates. Lastly, he asked whether there was a State programme for the development of adaptive sports for persons with disabilities.

27. **Mr. Martin** said that he would like to know what steps had been taken to provide information in accessible formats for persons with disabilities other than sensory disabilities, including easy-read formats for persons with intellectual disabilities and accessible formats for indigenous persons with disabilities whose first language was not Spanish. In addition, it would be interesting to hear how persons with intellectual disabilities were involved in the provision of disability awareness training for health professionals and what steps had been taken to ensure that all persons with disabilities, including intellectual disabilities, were able to participate in mainstream sporting activities.

28. **Mr. Tatić** said that he would appreciate more information on the availability of sign language interpreting in tertiary education, the physical accessibility of universities and, more generally, the accessibility of tourism and cultural activities.

29. **Mr. Ruskus** said that he would like to know what measures had been taken to support families of children with disabilities; whether the right of persons with intellectual or psychosocial disabilities to marry was restricted under the Family Code or other national legislation; what mechanisms were in place to prevent discrimination against persons with disabilities and their families in the labour market; and whether the State offered incentives to promote the inclusion of persons with disabilities and their families in the open labour market on an equal basis with others.

30. **Mr. Ishikawa**, noting that the National Disability Council, which was one of the two mechanisms mandated to monitor the implementation of the Convention, had held only one meeting since 2009, said that he would welcome confirmation of the State party's commitment to strengthening the Council to enable it to perform its monitoring role, as well as to ensuring the full participation of persons with disabilities and their representative organizations in the monitoring process.

31. **Mr. Kim** Hyung Shik said that it would be useful if the delegation could provide data illustrating the current situation with respect to the employment and income level of persons with disabilities, as well as some examples of recent legislative developments in that area. Noting that the State party was a party to the International Labour Organization (ILO) Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159), he drew attention to the report published by ILO in 1994 on decent work for persons with disabilities.

32. He said that the Committee needed more data in order to be able to assess whether persons with disabilities enjoyed a decent standard of living. It was unclear to what extent persons with disabilities were involved in developing and monitoring international cooperation projects. The State party could engage in international cooperation to improve the standard of living for persons with disabilities and to address the issue of unemployment among persons with disabilities, in keeping with targets 8.5 and 10.2 of the Sustainable Development Goals.

33. **Mr. Kabue**, welcoming the State party's ratification of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled, asked what measures would be taken to implement the Treaty. He also enquired what role the Government played in the provision of social protection for persons with disabilities and how persons with disabilities were identified as eligible to receive financial assistance under the programmes mentioned in the State party's report and replies to the list of issues. Lastly, noting that concerns had been raised as to the reliability of data on persons with disabilities, he asked what percentage of the population had a disability, according to the most recent statistics, and how that figure had been reached.

34. **Mr. Langvad** said that he would like to know what steps were being taken to ensure that persons with disabilities, especially those with intellectual or psychosocial disabilities, received the medical treatment that they required, on an equal basis with others. It would be interesting to learn more about the methods used by the State party to ascertain how many persons with disabilities required home care and, more generally, to collect reliable and usable data on the needs of persons with disabilities.

35. **The Chair** said that she would welcome information on the State party's plans to implement the right to inclusive education, particularly with respect to girls with disabilities. The Committee was concerned by reports that special education in Panama was of very poor quality and by the finding that over 50 per cent of teachers did not feel ready to teach persons with disabilities, according to a study conducted by the National Secretariat for Disabilities in 2014.

36. She would like to know whether action would be taken to end all forms of corporal punishment against children with disabilities, pursuant to the universal periodic review recommendations accepted by the State party in 2010 and 2015, as well as the recommendation made by the Committee on the Rights of the Child in 2011. Lastly, she

recommended including the questions of the Washington Group on Disability Statistics in every national census.

37. **Mr. Parra Dussan** (Country Rapporteur) said that he would be interested to know when the State party expected the transition from the special education model to inclusive education to be completed. He would also welcome information on the funding to pay for interpreters for students with hearing impairments and whether the right to such interpreters was guaranteed in schools as well as at university level. On the right to health, he wished to know whether persons with disabilities were given priority in obtaining access to public health services and particularly, in the light of the recent problems with pharmaceutical supplies, in obtaining the medicines they needed. Noting the 2 per cent employment quota for persons with disabilities, he would like to know what the current situation was and when the 2 per cent threshold was expected to be reached in both private businesses and the public sector. Furthermore, he would welcome clarification on which body processed statistics such as the survey information showing that 11 per cent of the population lived with disabilities. Lastly, he would like to hear about the institutional set-up of the National Secretariat for Disabilities, whether it, the National Disability Council or another body would be monitoring compliance with the Convention and, if so, whether the body concerned met the requirements of the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).

The meeting was suspended at 11.35 am and resumed at noon.

38. **Ms. Castro de Tejeira** (Panama) said that, the previous week, the President had presented the Government's new road map for education, aimed at delivering a participatory educational process, within which one of the recognized challenges was the provision of appropriate support to students with disabilities. Under the different thematic areas — quality, equity, teacher training, administration and investment — there was to be a review and an alignment of standards. The new policy aimed at reducing inequality in access to education, with particular emphasis on the identification and inclusion of children from vulnerable groups, including children with disabilities. A multisectoral standing council was to be set up to address implementation of the National Commitment for Education and support the authorities in establishing access to high quality education as a human right. The council would be transparent in its action and accountable to civil society.

39. **Ms. de Villalobos** (Panama) said that the education provided to children with disabilities was currently going through a transition towards an inclusive system. There were still 21 special education schools in the official sector, but the services offered were being expanded in 4 schools nationally, including in the Guna Yala indigenous region, where education and support services had been available locally for all young people of school age for the previous two years. Seven resource centres were able to supply Braille products for persons with visual impairments. The Government was now looking at harmonizing national legislation in favour of inclusive education, and the right to education on an equal basis within an inclusive system had been recognized with the adoption of Act No. 42 on equal opportunities for persons with disabilities, which included provision for the requisite funding. To provide support for children with hearing impairments, a programme set up two years previously employed persons from the deaf community as teachers in mainstream and special schools to help children in the early years of school learn Panamanian Sign Language. There were 502 registered deaf students in the country, of whom over 70 per cent went to community schools, the remainder still attending special schools. The "Hablando con Julis" learning software was a useful support for the children, as well as their families and teachers. Under a social entrepreneurship programme, the children had been provided with free batteries for their hearing aids.

40. **Ms. Delgado** (Panama) said that the 2014 study on inclusive education had led to the investment of more than B 2 million in training for 15,000 staff of educational centres — directors, supervisors and teachers — the aim being to empower the whole community in the area of inclusive culture. The training programme, which included the use of information and communications technology, was run on a quarterly basis.

41. **Ms. Diaz** (Panama) said that, while much remained to be done in providing proper access to information for persons with hearing impairments, the Government had many

achievements to its credit, including the presence of sign language interpreters on the most important programmes on the State television channel and one private channel and the systematic provision of interpreters whenever there was a national emergency. It had ratified the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled and was in the process of developing the appropriate texts for its implementation.

42. **Mr. Miranda** (Panama) said that support was available for the families of persons with disabilities, notably in helping them set up small businesses in remote, rural areas and marginalized urban areas. That programme had so far helped improve the quality of life of more than 6,000 persons. An economic transfer programme gave over 1,600 persons with disabilities a monthly allowance to help with general expenses, such as health, education and transport costs, allowing them to live an autonomous and productive life. The "Guardian Angel" project, set up to provide economic support for persons needing constant help, had improved the lives of more than 16,000 individuals thus far, for an investment of US $ 6 million. In the area of legislation, a 2017 amendment to Act No. 42 permitted parents, guardians and persons with disabilities to attend 144 hours of rehabilitation and other services. In the country's political life, one member of the National Assembly was a person with a hearing impairment; and for voters, the Electoral Court had made provision on the Internet and through telephone services to ensure that persons with disabilities were able to vote in a place accessible to them.

43. Panama attached great importance to sport, and made a significant investment in the games organized by the Central American Isthmus Council on Sports and Recreation and the Special Olympics, among others. Indeed, Panama had hosted the Latin American Special Olympics Games earlier in 2017. The Panama Sports Institute provided continuing support to the Paralympic Committee of Panama. A number of initiatives had been launched by civil society, including tandem bicycle rides to enable persons with visual impairments to go cycling with a sighted partner.

44. **Ms. Velasco** (Panama) said that there was no legal restriction on the marriage of persons with disabilities in national legislation. The only impediments to marriage set out in article 34 of the Family Code were for same-sex partners, relatives by blood, adoption or marriage, and persons convicted of murder. However, the Government acknowledged that challenges remained in that regard and that further work was required to amend legislation that contained pejorative language in respect of persons with disabilities and had a negative impact on the recognition of their legal capacity, particularly in the case of persons with intellectual disabilities, which could in turn have an effect on their ability to marry and form a family.

45. **Ms. Ordoñez** (Panama) said that the Government implemented a number of programmes and projects to improve employment opportunities for persons with disabilities and develop their skills. In the course of the 1,150 labour inspections carried out over the past three years, employers had been informed about the rights of persons with disabilities to equal work and equal pay and the applicability of the 2 per cent quota for companies with more than 25 employees. Companies that refused to meet or maintain the 2 per cent quota of employees with disabilities were obliged to pay to the Ministry of Labour and Workforce Development an amount equivalent to the minimum salary for each person not hired for as long as they failed to meet the quota. In the private sector, most persons with disabilities were employed in the hospitality sector, general services, construction and local banking, primarily in Panama City, Chiriquí and Veraguas. Employment rates in the remaining provinces of the interior lagged behind. All the offices of the Employment Directorate nationwide were physically accessible and a service platform had been set up in 2016 to provide guidance on employment opportunities. As a result all of the measures taken, some 3,245 persons with disabilities had entered the labour market, supporting the economic development of the country and their families, with 777 employed in the public sector. The Government recognized the need to strengthen strategies aimed at increasing the employment of persons with disabilities in both the public and the private sector, and particularly to create opportunities for indigenous women. Executive Decree No. 60 provided for a financial incentive for all employers that hired persons with disabilities,

equivalent to twice the salary paid for a period of up to six months. The relevant statistics would be provided in writing.

46. **Ms. González** (Panama) said that, in line with Decision No. 321 of 2005, Panama had a policy of providing free comprehensive health care for persons with disabilities on a priority basis. The National Office of Comprehensive Health Care for Persons with Disabilities coordinated with liaison units in each of the country's 15 health-care regions. Meetings were held twice a year to evaluate strategies to achieve the targets set. There were nine rehabilitation facilities nationwide — eight centres in provincial capitals and the National Physical Medicine and Rehabilitation Institute in the capital — and there were plans to open a further four centres in the interior and a neurodevelopment institute by 2019, so that 13 of the 15 health-care regions would be covered. The Government was aware of the limited human resources available to provide the necessary services and was therefore taking the appropriate measures to recruit staff. Persons wishing to request home care services could do so at their nearest health-care facility. Persons with a terminal illness were automatically referred by their doctor to the programme of palliative care, under which a range of services, including physiotherapy and pain management, was available. The provision of medicines to persons with disabilities was free of charge. Act No. 28 of 2014 had established a specific programme for the care of persons with rare diseases. In response to the medication crisis, moreover, in order to accelerate the process of obtaining health records, additional staff had been appointed to the Drugs and Pharmacy Directorate of the Ministry of Health. As for the scarcity of baclofen specifically, the necessary steps were being taken to acquire and distribute that drug in the pharmacies of the Ministry of Health. The latest drugs had been acquired for persons with mental disabilities with a view to minimizing side effects.

47. **Ms. Díaz** (Panama) said that, since the establishment of the National Secretariat for Disabilities, five National Disability Councils had been presided over by the President of the Republic and his predecessors. The Government recognized the need to ensure that the Councils operated in accordance with the relevant legislation. The eight working groups of the current Council continued to meet regularly and carried out their activities in accordance with the national strategic plan and operative plans of each of the institutions represented on the Council. Disability was a cross-cutting issue and not simply the remit of the National Secretariat for Disabilities and organizations of persons with disabilities. The Secretariat was firmly of the view that education was the key to bringing about change. Accordingly, a master's course had been developed on public policy for the social inclusion of persons with disabilities, including modules on the development and administration of projects, and a significant number of scholarships had been awarded to representatives of civil society. More than half the places on the diploma course in strategic planning, for which there were no academic requirements, had been allocated to members of civil society.

48. The first national survey on disabilities had been conducted in 2006, so the importance of conducting a second one was clear. The fact that the National Statistics and Census Institute had found that 3 per cent of the population had a disability, whereas the first survey on disabilities had put that figure at 11.3 per cent, was not surprising, given that the census recorded information only on severe disabilities, while the survey reflected all degrees of disability. It had been decided to use the Model Disability Survey so as to capture not just the prevalence of disability but information on how persons with disabilities lived their lives, which would facilitate the development of public policies, strategic plans, projects and programmes, including technical assistance and reasonable accommodations, that responded to the real needs of persons with disabilities. The Secretariat was working with the National Statistics and Census Institute and representatives of a range of other institutions to prepare census questions, incorporating the Washington Group Short Set of Questions on Disability. The aim was to ensure that the census was inclusive and collected information on persons with all degrees of disability, including minor and temporary disabilities, to ensure that they had access to the benefits and legal protections to which they were entitled. The State party needed the support of civil society and international organizations for the implementation of the second survey, which would be comprehensive and include information on carers and families of persons with disabilities.

49. **Ms. Rudy Arellano** (Panama) said that a committee established in 2012, headed by the Ministry of Foreign Affairs, was responsible for monitoring implementation of the human rights treaty bodies ratified by Panama and redirecting public policies to achieve the recommendations of the treaty bodies. Twenty-five institutions were represented on the committee and consultations were conducted with civil society. Since 2015, the committee had focused on ensuring that Panama complied with its reporting obligations to the treaty bodies. Following the constructive dialogue with the Committee on the Rights of Persons with Disabilities, a working group led by the Secretariat would follow up on the recommendations made.

50. **Ms. Díaz** (Panama) thanked the Committee for its constructive questions, comments and recommendations. She said that her country's ratification of the Convention had enabled it to make progress in the promotion and protection of the rights of persons with disabilities, equality and non-discrimination. Institutional adjustments had been made and disability had been mainstreamed into public policies. Strengthening the social inclusion of persons with disabilities was an integral part of the country's policies in the areas of education, employment and social protection. The delegation had been transparent and honest about the progress that it had made, as well as the challenges and institutional and legislative obstacles that remained. Panama was working to achieve the full recognition in the near future of the legal capacity of all persons with disabilities. The Government was conscious of the need to improve the effectiveness of prevention and oversight mechanisms in order to be able to better address human rights violations committed against persons with disabilities. Panama was fully committed to implementing the Convention and guaranteeing the rights of the more than 400,000 persons with disabilities living in the country. It would make every effort to make the changes necessary to bring its legislation into line with international standards and continue to work with the Committee and civil society to overcome the outstanding challenges.

51. **Mr. Parra Dussan** thanked the delegation for the positive and constructive dialogue and commended it on its openness in acknowledging the shortcomings and challenges that remained. He said that the Committee was confident that the State party, which had been only the second country to ratify the Convention, would continue to build on the progress already made in enhancing the protection of the rights of persons with disabilities in the country and applying the paradigm of the Convention. The Committee would make a series of objective and achievable recommendations aimed at improving the living conditions of persons with disabilities in Panama.

52. **The Chair** thanked the delegation for the constructive dialogue and said that she hoped that the Committee's recommendations would further guide the State party in its commitment to the rights of persons with disabilities.

The meeting rose at 12.55 p.m.

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Eighteenth session

Summary record of the 338th meeting
Held at the Palais des Nations, Geneva, on Wednesday,16 August 2017, at 3 p.m.

Chair: Ms. Degener

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by parties to the Convention under article 35 (*continued*)

Initial report of Morocco (CRPD/C/MAR/1; CRPD/C/MAR/Q/1 and Add.1)

1. *At the invitation of the Chair, the delegation of Morocco took places at the Committee table.*

2. **Ms. Hakkaoui** (Morocco), introducing her country's initial report (CRPD/C/MAR/1), said that Morocco had become a party to the Convention and the Optional Protocol thereto in 2009. The rights of persons with disabilities were also enshrined in the Constitution of 2011, which prohibited discrimination on the grounds of disability, and in a number of other laws and regulations.

3. In 2015, the Government had adopted an integrated public policy for the promotion of the rights of persons with disabilities for the period 2017-2026. The drafting of the policy had involved a wide range of stakeholders, including civil society, State bodies, experts and organizations of persons with disabilities. The policy contained different cross-cutting measures to be undertaken by all State bodies. In 2017, the Government had adopted an action plan to implement the integrated public policy based on a human-rights approach. Over 20 workshops had been held and more than 400 measures taken pursuant to the action plan. In addition, performance indicators had been established in order to monitor the implementation of the plan.

4. Framework Law 97-13 contained an advanced and modern definition of disability. The Law focused on a number of key areas, such as the interaction between persons with disabilities and their environment, combating disability-based discrimination, participation and integrated development. The recently-conducted second national disability survey had led to the adoption of a more interactive model of disability that drew on relevant World Health Organization guidance. There were over 2.6 million persons with disabilities in Morocco, of whom almost 200,000 had a severe disability. The survey had provided qualitative and quantitative data that would help to highlight where the shortcomings and challenges lay with regard to disability-related policy.

5. In an effort to implement the 2030 Agenda for Sustainable Development and to meet the targets related to disability, a number of workshops had been held. In addition, various initiatives had been launched to combat poverty and exclusion, including programmes aimed at improving the school attendance of children with disabilities and the professional integration of persons with disabilities and providing widows and parents of children with disabilities with direct financial benefits.

6. A law on access for persons with disabilities, adopted in 2013, established minimum accessibility criteria for public transport, the built environment and communications. A number of regulatory orders would be promulgated in 2017 in order to define relevant technical standards and facilitate the implementation of the law. Between 2012 and 2016, a programme of cooperation had been implemented in partnership with the World Bank to ensure the accessibility of urban areas for persons with disabilities in four major cities of Morocco. Marrakech had served as the model city for the programme and, consequently, accessibility of infrastructure across the city had been vastly improved. In accordance with Audiovisual Communication Act No. 77-03, accessibility of broadcasts for persons with hearing impairments was ensured through sign language interpretation. In addition, a programme had been initiated to standardize Moroccan Sign Language and train more sign language interpreters.

7. The Ministry of the Family, Solidarity, Equality and Social Development was responsible for coordinating government policy on the rights of persons with disabilities, and an interministerial commission had been established to monitor the implementation of disability-related programmes and strategies. Efforts were being made to form a national disability observatory to facilitate the exchange of ideas and data among relevant stakeholders and contribute to evaluation, with a view to having a more effective evaluation

mechanism. In addition, a bill had been prepared to authorize the National Human Rights Council to monitor the situation of persons with disabilities.

8. A strategic vision for reform of the education and training system (2015-2030) had been adopted. The Ministry of National Education, Vocational Training, Higher Education and Scientific Research was focusing on the issue of access to education for children with disabilities. A new integrated approach was being pursued whereby no person would be excluded from education or training on the grounds of disability. As at 2014, almost 50 per cent of children with disabilities aged between 6 and 17 years were in school, which constituted a 16 per cent increase on figures from 2004. Approximately 700 integrated classes for children with disabilities had been set up in Moroccan schools, benefiting some 8,000 children. Moreover, the final-year examinations taken by students in primary and secondary school had been made more accessible for children with disabilities.

9. Under Act No. 65-00 on compulsory basic health coverage, children with disabilities were covered by the sickness insurance and medical assistance schemes provided that their parents were insured. Framework Law 97-13 called for the early diagnosis of disability and guaranteed the right to medical treatment, consultations and rehabilitation. The National Health and Disability Plan for the period 2015-2021 promoted the early diagnosis of diseases that could cause disability and the improvement of rehabilitation services for persons with disabilities; it also contained measures to raise awareness among the general public with respect to disability and prevent discrimination. In addition, a new law had been adopted on the right of persons with mental disabilities to dignity, confidentiality and privacy and on the need to seek their free and informed consent, where possible, prior to medical treatment.

10. The quota system for the employment of persons with disabilities in the public sector had been revised. Competitive recruitment examinations were held specifically for those persons to ensure that the quotas were filled. In 2017, a law had been passed to establish non-discriminatory recruitment conditions for civil service posts. Efforts were being made to establish employment quotas in the private sector too. The Labour Code explicitly condemned discrimination in the field of employment, while the Social Solidarity Support Fund ensured a decent living to persons with disabilities.

11. The Constitution of Morocco provided for the participation of civil society in policymaking. A number of civil society associations had actively assisted the Government in developing integration policies for persons with disabilities. Regional workshops had been held in that regard and memorandums had been exchanged between State bodies and civil society organizations. Civil society also contributed actively to awareness-raising campaigns, such as the 2016 campaign entitled "Providing access. Facilitating life". The number of organizations of persons with disabilities had increased considerably: in 1994, there had been 50 such organizations, whereas there were currently around 1,000. The organizations received financial support from the Government. For example, groups promoting the schooling of children with disabilities had received over 50 million dirhams from the State in 2016. Similarly, the funds allocated to associations working in the field of disability sports had increased from 3 million dirhams in 2011 to 8 million dirhams in 2016.

12. In the next few years, the Government intended, inter alia, to enhance the implementation of Framework Law 97-13, reform outdated legislation and further improve the social support system for persons with disabilities. Such efforts would require individual, national and international expertise. Combating negative ideas and stereotypes about persons with disabilities remained one of the biggest challenges in Moroccan society. Attitudes would be changed only through the promotion of a culture of non-discrimination, as called for in the Constitution and the Convention.

13. **Ms. Amraoui** (National Human Rights Council, Morocco) said that the Council was an independent body that had been awarded A status by the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions. It had 13 regional committees and worked to ensure the promotion and protection of human rights in Morocco.

14. The Council welcomed the approval of the National Action Plan 2017-2021 to promote the rights of persons with disabilities and trusted that funding for the Plan's implementation would be provided in the 2018 finance law. Despite the progress that had

been made, a number of challenges remained for persons with disabilities in Morocco, notably with regard to the effective exercise, on an equal basis with others, of their rights to education, employment and social protection.

15. Although the right to inclusive education was enshrined in the Constitution, children with disabilities encountered difficulties in gaining access to education. School enrolment procedures, the availability of school support assistants and reasonable accommodation were three areas of concern. The Council urged the Government to adopt an inclusive education policy for persons with disabilities regardless of the type or severity of disability. The Sustainable Development Goals, particularly target 4.5, should be taken into consideration.

16. With regard to employment, the Council called on the Government to provide in the next finance law funding for cross-cutting measures to improve the inclusion of persons with disabilities in public and private sector employment, along with relevant indicators.

17. The Council wished to draw attention to the plight of women with disabilities, who were not prioritized in policies and programmes aimed at assisting women. Similarly, families of persons with disabilities, particularly those in situations of vulnerability, continued to be subjected to numerous violations of their rights and were obliged to pay in full for the additional costs incurred as a result of the disability of their family member. Despite the fact that a social protection system was in place, the services available did not meet the needs of persons with disabilities.

18. Penal institutions must ensure physical accessibility for detainees with disabilities, as well as access to information and communication. The Council noted with regret that the second national disability survey had not taken account of detainees with disabilities or persons with disabilities placed in social protection centres.

19. The Council was concerned that restrictions imposed under national law on the exercise of legal capacity by persons with disabilities were an obstacle to people with intellectual disabilities or visual impairments seeking to manage their financial and administrative affairs.

20. Lastly, it hoped that Parliament would adopt, at its next session, the bill pertaining to the reorganization of the Council. The bill, if adopted, would enable the Council to function as an independent mechanism to promote and protect the rights of persons with disabilities and monitor the implementation of the Convention.

21. **Mr. Basharu** (Country Rapporteur) said that Morocco had made tremendous strides in the area of human rights, in particular since the adoption of the new Constitution in 2011. The recent adoption of Framework Law 97-13, which was the centrepiece of government efforts to improve legislation concerning persons with disabilities, could also be considered a step forward, although it fell short in a number of areas. It appeared not to apply explicitly to persons with psychosocial or intellectual disabilities, for instance, and it failed to establish that denial of reasonable accommodation was a form of disability-based discrimination. Those shortcomings would have to be addressed, and a number of other laws and policies would have to be amended to bring them into line with the Convention.

22. The Government should take urgent measures to address the troubling situation of women and girls with disabilities, who were victims of discrimination on multiple grounds and were regularly subjected to violence. Despite that state of affairs, however, the first annual report on violence against women, published in 2015, had not mentioned women with disabilities, their lack of access to justice or their continued subjection to sterilization. The Government should make every effort to achieve Sustainable Development Goal 5.2, on the elimination of all forms of violence against all women and girls in the public and private spheres.

23. The Committee had been informed that not even 42 per cent of children with disabilities were enrolled in school, and such education as they received was more likely to be provided by non-governmental organizations (NGOs) than by the State. Children with disabilities who lived in rural areas were particularly unlikely to attend school. The State party should adopt a national strategy for the deinstitutionalization of children with

disabilities, who accounted for the majority of children in institutions for abandoned children.

24. It would be interesting to know more about the obstacles to recognizing sign language as an official language in the State party. Such recognition would contribute to the inclusion of deaf and hard-of-hearing persons in all aspects of life. Morocco had been delaying its ratification of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled, an instrument whose adoption it had championed.

25. The State party should provide the National Human Rights Council with the resources it needed to monitor the implementation of the Convention and protect the rights of persons with disabilities. Developing mechanisms for the effective and meaningful consultation and participation of all persons with disabilities and their representative organizations was also of critical importance. Sufficient funds should be earmarked for such efforts.

26. He was confident that the issues he had raised would prompt a discussion that would help persons with disabilities in Morocco develop a full sense of belonging. He looked forward to a constructive dialogue on the efforts made by the State party to ensure that persons with disabilities could take their rightful place in Moroccan society.

Articles 1-10

27. **Mr. Ruskus** said that Framework Law 97-13 had been heavily criticized for its incompatibility with the Convention even before its entry into force. In view of the Framework Law's controversial provisions, notably those on disability prevention, which were evidently based on the medical model of disability, and its failure to provide for inclusive education or address the need to provide support for living independently, he wondered to what extent organizations of and for persons with disabilities had been consulted in advance of the drafting and adoption of the Law. He also wished to know what plans the Government had made to incorporate the provisions of the Convention into the Framework Law and relevant subsidiary legislation and thus to ensure that those texts reflected a more rights-based approach to disability.

28. **Mr. Tatić** said that he would welcome an indication of the number of people who had been charged and convicted under the provisions of the Criminal Code that made discrimination against persons with disabilities a criminal offence. The delegation should provide updated information on the outcome of the nearly 100 complaints, mentioned in the State party's report (CRPD/C/MAR/1, para. 81), that the Office of the Ombudsman had received from persons with disabilities. He would appreciate a comment from the representatives of the National Human Rights Council on the effectiveness of legal remedies in cases of disability-based discrimination.

29. It would be interesting to learn more about the legal framework for combating the multiple forms of discrimination faced by women and girls with disabilities in the State party. Article 9, on accessibility, was the backbone of the Convention, and in that regard he would welcome more information on the results of the urban accessibility projects that had been carried out with the support of the World Bank. He wished to know, for example, how accessible the cities concerned, including their public transport, had become. In that connection, he wondered what would happen if he, a wheelchair user, flew to Rabat for meetings with government officials. Would their offices be located in accessible buildings?

30. **Mr. Martin** said that he wished to know what the Moroccan authorities had done to make sure that people with intellectual disabilities attended the commendable training courses on the Convention that had been offered to people with disabilities.

31. **Mr. Chaker** said that a segment of Moroccan civil society had expressed reservations — he was weighing his words — about Framework Law 97-13. Since those reservations suggested that civil society participation in the preparation of the Framework Law had not been entirely effective, he wondered what mechanisms had been put in place to ensure that members of civil society could contribute meaningfully to efforts to build a better society. He also wished to know what practical steps the Government planned to take

to ensure that persons with disabilities had real access to public transport, public institutions, and information and communication technology. Access to that technology was critical, not least because, by enabling persons with disabilities to work, it offered greater guarantees of a decent life.

32. **Mr. Buntan** asked to what extent the State party had helped persons with disabilities, through their representative organizations, participate in formulating, implementing and monitoring the application of laws and policies affecting their lives. In connection with article 5, he wished to know what measures were taken to protect persons with disabilities, lesbian, gay, bisexual, transgender and intersex (LGBTI) persons in particular, who were often victims of multiple forms of discrimination.

33. With regard to article 9, he wondered whether any sanctions were established in Accessibility Act No. 03-10 for non-compliance with the Act's accessibility requirements and whether the Act addressed all aspects of accessibility, including access to information and communication technology. Had any internationally recognized accessibility standards been incorporated into the Act?

34. **Mr. Langvad** asked what the State party did to empower organizations of and for persons with disabilities to become equal partners in awareness-raising campaigns aimed at creating a positive image of persons with disabilities, women and children in particular.

35. **Mr. Kim** Hyung Shik said that the Committee would welcome an indication of how policy measures touching on the rights of persons with disabilities were harmonized with the country's laws. The delegation should elaborate on the adoption of Framework Law 97-13 and the integrated public policy for the promotion of the rights of persons with disabilities for the period 2017-2026. It would be particularly interesting to know how deeply persons with disabilities and their representative organizations had been involved in the development of the Framework Law or, indeed, given their apparent dissatisfaction with the Law, whether they had been involved at all.

36. **Mr. Pyaneandee** noted the importance of using appropriate terminology in respect of disability. There remained room for improvement in that regard in the State party, notably where mental disability was concerned. Turning to the issue of inclusion, he asked how the Moroccan authorities intended to remedy their failure to consult women with disabilities on the development of "Ikram 2", a national action plan on gender equality.

37. **Mr. Babu** said that he would welcome specific information on the awareness-raising campaigns mentioned by the head of delegation in her opening address, including the names of the campaigns and the number of people they had reached. He wondered whether there were penalties for non-compliance with the country's accessibility standards and whether anyone had ever been brought to book for such non-compliance.

38. **Mr. Ahaif** said that he would like to know more about the content of the planned strategy and legislative framework designed, according to the State party's report (CRPD/C/MAR/1, para. 91), to further the social integration of persons with disabilities. In particular, he wondered whether the strategy and the framework would incorporate advances that had been made around the world.

39. In addition, he would like to know whether a plan had been developed to encourage the media to portray persons with disabilities in a manner consistent with the purpose of the Convention. He wished to join several of his fellow Committee members in asking what penalties there were for public and private organizations that failed to comply with accessibility standards.

40. **Mr. Kabue** noting that, according to the State party's replies to the list of issues (CRPD/C/MAR/Q/1/Add.1), persons with disabilities were represented on the National Human Rights Council and its regional committees, asked how and by whom members with disabilities were appointed and whether they were provided with the means to participate effectively.

41. It was commendable that a law had been adopted specifying that treaties ratified by Morocco formed part of national legislation. In that connection, he wondered how the Convention had influenced Moroccan law, particularly in regard to accessibility and to

redress for persons with disabilities whose rights were violated. The State party's submission indicated that there was nothing to prevent judges from deeming lack of reasonable accommodation to constitute disability-based discrimination. Were there any instances in which they had done so?

42. **Mr. Ishikawa**, recalling the Committee's general comment No. 2 (2014) on accessibility, said that, while the Ministry of Planning and Transport's use of public procurement regulations to promote accessibility was a positive development, those regulations should be applied more broadly to include public websites and educational textbooks. He would welcome further information about how public procurement was used to promote accessibility in general.

43. **The Chair** said that she shared the views of Mr. Ruskus on the inclusion of provisions on disability prevention in Framework Law 97-13 and the concern of Mr. Buntan regarding the treatment of LGBTI persons in the State party. According to the information received by the Committee, lesbian, gay, bisexual and transgender persons were diagnosed as mentally ill and intersex persons were subject to corrective surgery, which amounted to cruel and degrading treatment.

44. **Mr. Barbara** said that he would appreciate information on the measures in place to ensure the meaningful participation of persons with disabilities. He asked how many women with disabilities were included in the body implementing the "Ikram 2" gender equality action plan.

The meeting was suspended at 4.25 p.m. and resumed at 4.40 p.m.

45. **Ms. Hakkaoui** (Morocco) said that she wished to allay some of the concerns expressed by Committee members about civil society participation in Morocco. Her Government was committed to such participation and was endeavouring to ensure that persons with disabilities were fully involved in all government projects on disability. The principle of civil society participation was enshrined in the Constitution, and indeed her Government wished civil society organizations to take an even greater role in developing and implementing legislation and public policy.

46. **Mr. Ait Brahim** (Morocco) said that the Government had been working to harmonize national law with the provisions of the Convention. The country's first law on promoting the rights of persons with disabilities — Framework Law 97-13 — included definitions based on articles 1 and 2 of the Convention. Specifically, it referred to the interaction between persons with disabilities and their environment, to reasonable accommodation and to disability as an evolving concept. It also addressed discrimination, which could, inter alia, take the form of denial of service. Care had been taken to ensure that no pejorative terms were used.

47. **Mr. Cheikhi** (Morocco) said that the Convention took precedence over national legislation, including the Constitution, while some provisions of the Convention had been incorporated directly into national laws. All laws were undergoing review, and those that were not in line with the Convention would be amended or repealed. Education and training were crucial to ensuring that children with disabilities were able to enjoy their rights; harmonizing the relevant laws with the Convention was therefore a priority. The Government also planned to amend the Criminal Code to increase protection for persons with disabilities.

48. **Mr. Najim** (Morocco) said that, under the new Criminal Code, any conduct constituting discrimination against or degrading treatment of persons with disabilities was a criminal offence. The Code specified sanctions for perpetrators, including significant fines and imprisonment for up to 2 years, which could be doubled if evidence was found of incitement to hatred or discrimination. The courts had invoked the Convention on numerous occasions, such as in ruling No. 686, which provided for compensation for persons with disabilities in cases where hospitals had not provided adequate care.

49. **Mr. Elguessousi** (Morocco) said that laws had been enacted to ensure that persons with disabilities had access to communications and transport in urban areas, in addition to administrative measures focusing on accessibility of the built environment. All the projects initiated under the programme of cooperation with the World Bank had been successfully

completed. Research into accessibility needs had been carried out, and engineers and officials working in building design had conducted peer-to-peer training to improve accessibility.

50. **Ms. Gharbi** (Morocco) said that building permits were not issued unless the proposed structures complied with accessibility requirements. All public procurement took place following a call for bids, and such bids must comply with relevant criteria, including with respect to accessibility. Accessibility was also taken into account in town planning and urban development projects. Moreover, training modules had been introduced at the National Engineering School, the National Construction School and the School of Architecture to ensure that all public buildings and government departments were accessible. Fines and prison sentences could be handed down in cases where buildings did not meet accessibility standards. Persons in charge of building sites could be compelled to demolish their work in case of an infringement.

51. **Ms. Nahil** (Morocco) said that the Government was implementing an action plan and a programme of work to guarantee accessibility of public transport. It had adopted all international standards relating to air travel for persons with disabilities, and assistance was available at all transport terminals. Access parameters had been established for public road transportation, and a guide on safety equipment for all road transportation, which addressed the needs of persons with disabilities, had been distributed to regional authorities.

52. **Mr. Ait Brahim** (Morocco) said that national legislation guaranteed the right of all citizens, including persons with disabilities, to have full access to education. Implementing that right entailed adapting programmes and curricula, among other steps. Persons with disabilities had the right to enrol in their nearest educational establishment, and State schools were required to facilitate access for learners with disabilities. School attendance among children with disabilities had risen to almost 50 per cent, and teachers and school inspectors were receiving training to improve access to education still further.

53. **Mr.** Mohamed Anouar **Boukili** (Morocco) said that there were specialized centres for persons with disabilities within the education system, while integration sections within schools helped create bridges to mainstream establishments. Under the reforming, integration-based approach adopted by the educational authorities, the different types of disability were taken into account.

54. **Mr. Ait Brahim** (Morocco) said his Government recognized that the Convention ratified by Morocco was based on disability rights, not disability prevention. There was no prenatal diagnosis of disabilities, but medical staff endeavoured to identify disabilities early in order to minimize their impact.

55. **Mr. Diouri** (Morocco) said that Framework Law 97-13 contained articles on the prevention and treatment of different disabilities. Bill No. 71-13 on mental disability was intended to bring national legislation in that area into line with the Convention. There was in addition a royal decree providing for awareness-raising in relation to mental disabilities and training for doctors. A law was being drafted that would enable alleged abuses of the rights of persons with disabilities in hospitals to be investigated.

56. **Ms. Hakkaoui** (Morocco) said that her country had worked for decades towards women's emancipation and empowerment and had made progress in protecting women with disabilities. Under the Family Code, all women, including women with disabilities, enjoyed full rights. While research might not focus specifically on women with disabilities, and while data might not be disaggregated, the results were nevertheless relevant. The Ministry of the Family, Solidarity, Equality and Social Development was working with the Office of the United Nations High Commissioner for Human Rights to ensure that future research took the situation of women with disabilities fully into account. A new law on parity and combating all forms of discrimination had been ratified by Parliament and would constitute an additional institutional mechanism for furthering parity and equality, including for women with disabilities.

57. She was pleased to announce that Parliament had just ratified the Marrakesh Treaty. It had been an honour for Morocco to host the negotiations. While not all the background

documents had been translated into Braille in advance of the meeting, her Government was nevertheless very interested in using that means of communication.

58. **Ms. Amraoui** (National Human Rights Council, Morocco) said that the Council had received 211 complaints regarding violations of the rights of persons with disabilities. Some 80 per cent of those had concerned access to inclusive education, including enrolment in school, adaptation of programmes and examinations, denial of the right to take part in activities, exclusion from school on the basis of disability and the March 2017 law on examinations. The Council had been able to resolve some but not all of the complaints.

59. The Council's thematic report on equality and parity in Morocco, published in 2015, included an analysis of the impact of public policies on the most vulnerable women, including women with disabilities. This report concluded that such women, far from being empowered, suffered from multiple discrimination — because of their gender, their disability and in some cases poverty.

Articles 11-20

60. **Mr. Martin** asked how the State party was implementing article 12 of the Convention. Was it taking steps to eliminate guardianship laws and substitute decision-making? What measures were used to ensure that people deprived of legal capacity understood their rights in that regard? Was the information available in easy-to-read and other accessible formats?

61. He had been concerned to learn that children with disabilities who had no family typically spent their lives in institutions; he wished to know how many children were concerned. He asked what the time frame was for closing institutions for people with disabilities. He would encourage the State party to close such institutions as rapidly as possible.

62. **Mr. Tatić** said that he was glad to see a representative of the National Human Rights Council participating in the meeting. He asked how information about natural disasters was rendered accessible to persons who had a sensory impairment or an intellectual or psychosocial disability. He would appreciate specific data on the number of sign language interpreters available to deaf citizens for participating in judicial and municipal proceedings. He would also welcome updated information on the outcome of the programme for training judges, social workers and personnel responsible for the reception of petitioners mentioned in paragraph 78 of the State party's report. Was the training continuing on a regular basis? Lastly, he wished to know whether persons with disabilities who required round-the-clock help with daily activities were able to get such help.

63. **Mr. Ruskus** said that he was concerned about the situation of persons with psychosocial disabilities. Paragraph 66 of the State party's report contained a quotation from paragraph 213 of the Family Code stating that legal capacity was deemed to be lacking in a person who was "*prodigue*" (a spendthrift) or "*faible d'esprit*" (feeble-minded). The Code defined "*faible d'esprit*" as not being able to control one's thoughts or actions. What steps was the State party taking to amend those provisions so as to allow persons with psychosocial disabilities to enjoy their legal rights?

64. As far as he knew, persons with psychosocial disabilities in the State party were typically abandoned or placed in psychiatric institutions. The delegation should provide statistics, disaggregated by age and sex, on how many persons with disabilities were in such institutions. He had been perturbed by information provided by the Moroccan Human Rights Association concerning the Bouya Omar institution, where persons with psychiatric conditions had until recently been held and mistreated. Lastly, he would like to know what measures the State party took, or would take, to guarantee that persons with disabilities who were deprived of liberty were under judicial oversight in order to guarantee their rights under article 14.

65. **Mr. Chaker** asked whether prison workers were trained to respect the rights of persons with disabilities, including their right to access to justice and their right to use means of communication such as Braille and sign language.

66. **Mr. Langvad** said that he had never before seen a government and organizations representing persons with disabilities give such divergent accounts of the state of affairs in the country under discussion. The Government of Morocco should seize the opportunity presented by the interactive dialogue to gather specific, implementable and necessary proposals for accelerating the process of according persons with disabilities their rights and their due place in society.

67. He would like to have more information about the living conditions of persons with disabilities who were in institutions — for example, the size of such institutions, whether persons with different types of disabilities lived together, the types of age-appropriate accommodation that were provided, and the kinds of community-based support that would be needed to speedily phase out such institutions and enable the full inclusion of persons with disabilities in the community.

68. **Mr. Rukhledev** asked how information about major royal decrees could be conveyed to deaf persons if Moroccan Sign Language had no official status. He asked to what extent the rights enumerated in article 12 of the Convention were protected, including the right of persons with disabilities to control their own financial affairs; to have equal access to bank loans, mortgages and other forms of financial credit; and not to be arbitrarily deprived of their property. Lastly, he wished to know whether the services of sign language interpreters were made available to deaf persons involved in court proceedings and, if so, who paid for such services and whether national organizations representing deaf persons took part in the accreditation of the interpreters.

69. **Mr. Kim** Hyung Shik asked how the offences of abuse and exploitation were defined. He would also like to know whether women and children with disabilities were adequately protected from violence and indecent assault, and whether the delegation could supply relevant statistical data.

70. The report's discussion of article 19 did not mention any support mechanisms for independent living. How many persons with disabilities were living in institutions, and did the State party have any plans for deinstitutionalization?

71. **Mr. Pyaneandee** noted that Framework Law 97-13 unfortunately did not address the provision of procedural and age-appropriate accommodations pursuant to article 13 on access to justice. How did the State party intend to address the issue, particularly in relation to, for example, women deprived of their liberty or persons who were victims of violence or other forms of abuse or exploitation?

72. **Mr. Kabue** asked whether persons with disabilities had access to legal assistance and what types of cases relating to the rights of persons with disabilities had reached the courts.

73. **Mr. Buntan** said that he would appreciate an update on the national strategy for the management of medical emergencies and disaster-related risks. In particular, he wondered whether it had been adjusted in the light of the Sendai Framework for Disaster Risk Reduction 2015-2030. He also wished to know whether the State party had signed the Charter on Inclusion of Persons with Disabilities in Humanitarian Action.

74. He asked what measures the State party had taken to empower persons with disabilities to work in the field of justice in order to help improve access to justice for other such persons. Lastly, he would like to know under what circumstances persons with disabilities could legally be forced to undergo an abortion or sterilization.

75. **Mr. Alsaif** asked whether any laws had been enacted or other measures taken to protect the rights of persons with disabilities in emergencies and humanitarian crises. He wished to know whether such persons, when participating in court proceedings, were provided with sign language interpretation if they required it. He requested specific examples of persons with disabilities, particularly women, who had been subjected to cruel or inhumane treatment.

76. **The Chair** noted that, according to paragraph 66 of the State party's report, under the Family Code, persons with intellectual disabilities were considered to lack legal capacity. Yet article 12 of the Convention stated that persons with disabilities had the right

to have their legal capacity recognized, and that States parties must take appropriate measures to provide access by such persons to the support they might require in exercising their legal capacity. Did the State party intend to replace guardianship laws and other substitute decision-making regimes with supported decision-making arrangements, and would it involve civil society in that process?

77. She wondered whether the provisions for access to justice described in paragraphs 72 to 83 of the report complied with article 13 of the Convention. For instance, in legal proceedings representatives were appointed for persons with disabilities who were deemed to lack legal capacity. Were there plans to provide procedural and age-appropriate accommodations to enable persons with disabilities to participate directly or indirectly in proceedings as agents of their own rights?

78. She had found no information in the report or the replies about measures to prevent violence, especially sexual violence, against women and children with disabilities. Research, as well as reports by the Special Rapporteur on violence against women, including its causes and its consequences, showed that such women and children had a greatly heightened risk of experiencing violence, especially if they lived in institutions or in patriarchal cultures. Did the State party plan to tackle the issue, and did it have a monitoring mechanism as stipulated in article 16, paragraph 3, of the Convention?

79. **Mr. Basharu** asked what percentage of court petitions concerning the right to marry were filed on behalf of persons with intellectual disabilities. He requested statistical data on cases of violence and abuse perpetrated in hospitals and places where persons with disabilities were held involuntarily. He asked whether the State party intended to facilitate the release of such persons so that they could live with their families or in other appropriate living arrangements in society.

The meeting rose at 5.50 p.m.

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Eighteenth session

Summary record of the 339th meeting
Held at the Palais des Nations, Geneva, on Thursday, 17 August 2017, at 10 a.m.

Chair: Ms. Degener

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Initial report of Morocco (*continued*)

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by parties to the Convention under article 35 (*continued*)

Initial report of Morocco (*continued*) (CRPD/C/MAR/1; CRPD/C/MAR/Q/1 and Add.1)

1. *At the invitation of the Chair, the delegation of Morocco took places at the Committee table.*

Articles 11-20

2. **Mr. Belrhit** (Morocco), responding to questions put at the previous meeting, said that his country had closely followed the discussions on article 12 of the Convention during the preparatory work on the instrument and during the drafting of general comment No. 1 (2014) on equal recognition before the law, and had helped to coordinate the position of the Arab States on that issue. It had not entered any reservations to article 12, and both the Convention and the Optional Protocol thereto could be invoked in domestic courts.

3. The principle of equal recognition before the law was enshrined in the Constitution, and related rights of persons with disabilities, including the right to own property, were protected by Framework Law 97-13 on the promotion and protection of the rights of persons with disabilities. The Government planned to replace guardianship with a system that offered greater independence. It had amended national legislation to give persons with disabilities the capacity to sign certain administrative documents.

4. **Mr. Najim** (Morocco) said that the guardianship system served to protect the interests and property of persons with intellectual disabilities. Guardianship could be imposed only by a judge, on the basis of a medical certificate. The number of marriage contracts concluded by persons with intellectual disabilities had increased steadily since the promulgation of the Family Code in 2004, reaching nine in total in 2015.

5. A number of measures had been taken to safeguard the right of persons with disabilities to access to justice, as set out in paragraphs 70 to 75 of his country's report (CRPD/C/MAR/1). In addition, interpreting services were provided free of charge, and witnesses with disabilities could be heard by a judge at home if it was difficult for them to attend a court hearing. In 2016, the Ministry of Justice had established that certain court officials were to be responsible for ensuring that persons with disabilities had access to any services they required.

6. Appointments to the judiciary were made without discrimination, including on the basis of disability, and the number of persons with disabilities in the judiciary was steadily increasing. There were currently 271 prisoners with disabilities, held in 56 prisons. All new prison facilities were designed with due regard for accessibility standards and prisoners with physical disabilities were able to move freely within the prison facilities. Prisoners with disabilities had access to basic education, vocational training and literacy training, as well as psychosocial therapy, rehabilitation and around 14 medical check-ups per year. They were also entitled to 10 visits per year.

7. **Mr. Elguenouni** (Morocco) said that Framework Law 97-13 had been drafted following extensive consultations with civil society, at the national and regional levels, as described in paragraph 10 of his country's replies to the list of issues (CRPD/C/MAR/Q/1/Add.1). The draft had subsequently been amended on the basis of recommendations made by governmental and non-governmental experts during two seminars organized by Parliament. The Framework Law was in line with all international standards on persons with disabilities.

8. **Mr. Ait Brahim** (Morocco) said that the Government had conducted a national census based on the protocol established by the Washington Group on Disability Statistics. The results had shown that persons with disabilities accounted for 6.8 per cent of the national population and that one in four households included a person with a disability. Those statistics had been entered into an integrated information system, with support from the United Nations Development Programme (UNDP). A total of 419 disability indicators

had been developed through a consultative process, as described in paragraph 10 of his country's replies to the list of issues.

9. **Mr. El Hafiane** (Morocco) said that the Finance Act of 2015 had established that budget allocations should reflect sectoral strategies and legislation. Indicators had been established to facilitate monitoring of the implementation of all budgeted programmes; an evaluation would be conducted by the Inspectorate General of Finance in 2019. The new financial monitoring system was applicable to all public authorities.

10. **Mr. Belrhit** (Morocco), summarizing paragraphs 283 and 284 of his country's report, said that the Government was working on a bill that would establish a new mechanism, within the National Human Rights Council, to protect and raise awareness of the rights of persons with disabilities and to investigate complaints of violations of those rights.

11. **Mr. Baghdadi** (Morocco) said that awareness-raising on disability issues was conducted pursuant to article 8 of the Convention and article 22 of Framework Law 97-13. So far, around 10,000 persons had benefited from awareness-raising carried out by around 40 associations with support from the Government. Media campaigns had been organized to combat stereotypes and to ensure that rights holders were aware of their rights.

12. As part of the national outreach campaign "Providing access. Facilitating life", events had been organized throughout the country, bringing together representatives of local and regional authorities, civil society and the private sector. The campaign had ended with a celebration of the International Day of Persons with Disabilities, on 3 December 2016, which had also marked the tenth anniversary of the adoption of the Convention.

13. **Mr. Cheikhi** (Morocco) said that a commission had been set up in 2012 to work with all stakeholders, including representatives of civil society, to look at access to means of communication, and specifically the Internet, for persons with disabilities. Under the National Action Plan 2017-2021 to promote the rights of persons with disabilities, discussions had been held with both the public and private sectors, in consultation with organizations representing persons with disabilities, on improving accessibility and capacity-building. The State party had also worked with the Economic and Social Commission for Western Asia on the issue.

14. **Ms. Brahmi** (Morocco) said that the Government intended to build up the country's disaster response capacities in the areas of transport, health and response to the needs of those affected. The Ministry of the Interior cooperated with the Ministry of Health and all other relevant government departments in that work. The needs of persons with disabilities were a priority, and key points of evacuation plans included information on where such persons might be, the kind of disability they had and ensuring that medical centres were available to provide appropriate treatment for them. Measures were also taken to ensure that their property was protected in times of disaster.

15. **Mr. Diouri** (Morocco) said that there was also a national strategy for the management of medical emergencies following disasters or other incidents, under which access was guaranteed to medical services and treatment for all persons, including persons with disabilities. The strategy also covered the operation of a single telephone hotline for emergencies and the provision of medical transport, including helicopters.

16. The Ministry of Health had been required to take action in response to the situation at the Bouya Omar institution in July 2015, in coordination with other government departments. The persons found there had been taken to regional centres for mental health treatment, with priority placed on keeping them close to their homes and families. Over 1,000 persons, of whom 356 were women and many were drug users, had been taken to various hospitals, and a budget of 150 million dirhams had been allocated for their treatment, rehabilitation and medicines. Most of the persons concerned had been successfully reunited with their families. Parliament was currently considering bill No. 71-13, which focused on mental impairments and their treatment. The bill, which incorporated the provisions of international agreements and placed emphasis on improving awareness, prevention, treatment and training for staff, represented a modernization of the 1959 Royal Decree, in accordance with the terms of the Convention.

17. **Ms. Hakkaoui** (Morocco) said that the Bouya Omar institution had actually been a monument to a local saint at which there was a tradition of seeking help for all types of mental disability. The institution had now been dismantled and the Government was considering building a hospital on the same site; it would also provide help for persons who were no longer able to exercise economic activities at the pilgrimage site.

18. Much had been done over the previous five years to assess the conditions in and resources available to existing health institutions, of which there were more than 1,500 in the country. A legal mechanism for reform had been established and a bill, currently in the final stages of discussion in Parliament, included measures for improving the performance of institutions that provided services for persons with disabilities, notably transport for persons whose mobility was restricted. One innovation was the provision of remote assistance and treatment, which allowed persons to be helped in their own homes.

19. The many social institutions in the country catered for persons with disabilities on an equal footing with those without disabilities. Educational institutions were required to provide persons with disabilities with both education and appropriate assistance, including free medical treatment and care.

20. Morocco was strongly opposed to any type of discrimination, including on the basis of sex, as was demonstrated by its laws and by the establishment of a national anti-discrimination body, which worked in favour of both Moroccan and refugee women, especially women with disabilities. A bill addressing violence against women, which had been drafted in consultation with civil society, defined all forms of violence, including sexual, verbal and economic violence. It provided for harsher sentences for violence committed against women with disabilities and support for the victims of gender-based violence, including domestic violence. Units had been set up in all courts to offer assistance to victims of violence, particularly women, and women with disabilities were given priority. Comprehensive services were now offered in hospitals, police stations and by the Royal Gendarmerie, and a national observatory had been set up to monitor violence against women. The Ministry of the Family, Solidarity, Equality and Social Development also worked with the media to counter negative stereotypes of women and persons with disabilities. There were drop-in centres staffed by civil society organizations and shelters were available for women victims of domestic violence who were not able to return to their own homes. A new mechanism had been set up the previous week which, together with the National Human Rights Council, would work to ensure adequate provision of specialized institutions for women, including women with disabilities.

Articles 21-33

21. **Mr. Tatić**, welcoming the information on the bill on violence against women, said that he would like to know whether organizations representing persons with disabilities, and particularly the intersection between gender and disability, had been involved in its drafting. He also wished to know whether data were available on any prosecutions of individuals who had committed violence against women with disabilities. He would be interested to hear whether there were Internet sites accessible to blind persons, whether sign language interpretation was available in universities and if university buildings were accessible for persons with restricted mobility. Lastly, he would like to hear about the accessibility of tourist attractions and cultural sites for persons with disabilities.

22. **Mr. Rukhledev** asked whether sports facilities in the country were accessible for persons with disabilities, whether the State party was doing anything to help children with disabilities engage in sporting activities and how persons with disabilities were encouraged to enjoy and contribute to the country's artistic and cultural heritage.

23. **Mr. Martin** said that he would like to know whether persons with all types of disability were able to vote in the State party and if the relevant information was available in accessible formats. He would be interested to hear what sexual and reproductive health services were available for persons with disabilities. There was no information in the State party's report on health care for persons with intellectual disabilities; he would like to know what was being done to improve health care outcomes for them. Lastly, he wondered

whether the school counsellors appointed to support children with disabilities had the skills and training required to work with children with intellectual disabilities.

24. **Mr. Kim** Hyung Shik, expressing concern at the high proportion of persons with disabilities who had not had any schooling, asked what measures were in place to improve the overall education situation of children with disabilities and what the State party's position was with regard to special education in the light of the very high unemployment rate among persons with disabilities.

25. He would be interested to hear the delegation's comments on the fact that, under Directive No. 3-130-00 of July 2000, persons with disabilities could be appointed to certain posts on a preferential basis; that was discriminatory and stigmatizing and not a good example of open employment. He would also appreciate further details of the direct and exceptional employment opportunities, which, according to paragraph 215 of the State party's report, had been offered to more than 500 persons with disabilities holding various educational and university qualifications. In addition, he wished to know whether the State party still operated sheltered workshops and, if so, how many persons were employed in them. Information on cases of discrimination experienced by persons with disabilities in employment and on the average income and duration of employment of persons with disabilities would be welcome.

26. He would like to hear more about the provision of training to persons with disabilities to enable them to participate in international cooperation programmes and about the role played by persons with disabilities and their representative organizations at grassroots level in identifying, developing, implementing and monitoring disability-inclusive development projects. Lastly, he wished to know how international cooperation was being linked to the Sustainable Development Goals with a view to creating employment for and increasing the standard of living of persons with disabilities.

27. **Mr. Langvad** said that he would welcome clarification as to whether it was actually possible to deprive persons with disabilities in Morocco of their legal capacity. He would appreciate further information on the type of treatment provided to persons with psychosocial disabilities in the community. He would be interested to know why the quotas for the employment of persons with disabilities applied only to companies with more than 25 employees and not in all sectors. Lastly, he wished to know when and how the relevant legislation would be changed to ensure that children with disabilities could receive appropriate disability-related assistance in an inclusive education system, rather than being segregated in special education institutions, and how organizations of persons with disabilities would be involved in that process.

28. **Mr. Buntan**, following up on his question regarding article 11, said it seemed that the State party's model of disaster risk reduction was still based on the vulnerability model of disability. He wondered whether there were any plans to transition towards a model based on the Sendai Framework for Disaster Risk Reduction 2015-2030, under which persons with disabilities were treated as both beneficiaries of, and contributors to, disaster risk reduction measures. He would like to know how the State party understood and intended to practise inclusive education and what role existing special education schools and teachers could play in making mainstream schools more inclusive. Lastly, he would be interested to hear whether there were any plans to enhance statistical data collection by incorporating the Washington Group Short Set of Questions on Disability.

29. **Mr. Chaker** said he was pleased to note that blind Moroccan students were now studying in mainstream institutions in their own country rather than travelling to Tunisia to attend the special school of physiotherapy for persons who were blind or had visual impairments. He hoped that the inclusion of students with disabilities in mainstream education would be extended further.

30. **Mr. Kabue** said that he would like the delegation to comment on reports that many persons with disabilities in Morocco were living in dire poverty and unable to live independently because of a lack of adequate social protection. He wished to know whether, in addition to being able to vote, persons with disabilities could participate in political processes by being elected or appointed to positions of influence. He would welcome

clarification of the role played by organizations of persons with disabilities in monitoring the implementation of the Convention.

31. **Mr. Alsaif** said that he would be grateful for approximate statistics on the number of schools that had programmes in place to include children with disabilities in mainstream education. The delegation should indicate whether any additional legislative measures had been taken in order to provide for alternative working hours for persons with disabilities and give them the flexibility to attend medical or physiotherapy appointments as necessary. He wished to know whether physical fitness was a prerequisite for mainstream employment and, if so, how the authorities ensured that persons with disabilities were not discriminated against on that basis when it came to promotions and selection for training courses, for example. Lastly, he wondered whether there was a supreme mechanism for disability affairs, independent from the National Human Rights Council, to design policies and plans that would enhance the protection of persons with disabilities in Morocco.

32. Mr. **Ruskus** asked what support mechanisms were in place for families with children with disabilities, especially intellectual or psychosocial disabilities, to ensure that they had a decent standard of living. Information on measures to ensure access to the health-care system for persons with neurodegenerative or genetic diseases would also be appreciated.

33. Mr. **Lovászy** said that the delegation should comment on the reported lack of legal measures mandating websites, including streaming services, to apply universal access criteria, with special regard for persons who were blind, deaf or hard of hearing. He wished to know more about the use of pictograms and easy-to-understand and easy-to-read formats for persons with intellectual disabilities. He would also like to know what financial support and training were in place for sign language interpreters.

34. He was concerned at the low school enrolment rate among children with disabilities, the failure to build an inclusive system of education and the continued overreliance on non-governmental organizations (NGOs) to provide specialized services to children with disabilities, as noted by the Committee on the Rights of the Child in 2014. He wondered how the State party intended to overcome the negative attitudes among certain families, which, as it had acknowledged, sometimes prevented children with disabilities from accessing education. In addition, he wished to know what remedies were available for parents of children with disabilities wishing to challenge assessment decisions made in relation to enrolment.

35. As he understood it, the few requirements that were in place with regard to the employment of persons with disabilities in the private sector were practically unenforceable. The delegation should inform the Committee about any plans to improve that situation. In addition, he would welcome data on the number of persons with disabilities employed in both the public and private sectors. Lastly, he wondered whether there were any specific measures or financial incentives to encourage small and medium-sized enterprises in particular to provide reasonable accommodation in the workplace.

36. **Mr. Babu** said that he would like to know more about the HIV/AIDS prevalence rate in the country and about related interventions targeting persons with disabilities, especially those with hearing and visual challenges. He also wished to know how women and girls with disabilities were supported in accessing sexual and reproductive health services and whether the country's health information management systems tracked provision of such services to that group.

37. **Mr. Pyaneandee** said the Committee was concerned that mothers of children with disabilities who were excluded from school, especially children with psychosocial and intellectual disabilities, bore the burden of caring for them and were thus subjected to a form of discrimination by association. He wondered whether the State party had carried out any research to understand the economic, social and cultural benefits of full inclusive education, given that it could not afford to run two parallel systems. He also wished to know whether it had embarked on the training of teachers to support children with disabilities in fully inclusive mainstream setups.

38. **Mr. Parra Dussan**, noting the challenges faced in the implementation of the right to education, said that he would be interested to know whether, in addition to article 24 of the Convention, the Government had familiarized itself with the Committee's general comment No. 4 (2016) on the right to inclusive education. He would also like to know how the State party planned to mainstream disability into its efforts to achieve the Sustainable Development Goals.

39. **The Chair** said that the delegation should indicate whether the Government was taking targeted measures to ensure that girls and women with disabilities, who faced multiple discrimination, had access to education and employment on an equal basis with others. She also wished to know what targeted measures were being taken to ensure inclusive education for all children with disabilities and whether parents of children with disabilities who were denied access to education or reasonable accommodation had access to a complaints mechanism. While she commended the incorporation of the Washington Group questions in the 2014 census, she would be interested to know why disability had not been included in the monitoring indicators for the Sustainable Development Goals submitted to the United Nations in June 2016. She wondered whether there were any areas in which the State party had identified the need for technical cooperation with the Committee in order to implement the Convention or the Sustainable Development Goals as they related to disability. If so, the Committee would be happy to provide such assistance.

40. **Mr. Basharu** said that he would be interested to hear what measures the State party was taking to ensure that Parliament would swiftly adopt the bill recognizing the competence of the National Human Rights Council to serve as an independent mechanism to monitor the implementation of the Convention, in accordance with article 33, and to provide sufficient budgetary allocations to enable it to carry out its mandate effectively. He also wished to hear more about efforts to strengthen the capacity of all focal points and organizations of persons with disabilities to take part in the monitoring and implementation process.

The meeting was suspended at noon and resumed at 12.20 p.m.

41. **Mr.** Mohamed Anouar **Boukili** (Morocco) said that education was a right for persons with disabilities, as enshrined in national laws and in the Convention. Children with disabilities were taught both in mainstream schools and in more than 650 specialized units. Dedicated facilities were in place to provide appropriate care and education adapted to the individual needs of the child, based on the nature of his or her disability. Every child's needs were evaluated by a multidisciplinary team. In addition to the standard curriculum, special curricula for children with disabilities included vocational education, potentially leading to a vocational high-school diploma.

42. Educational provision was made by a number of different government departments working with civil society under the coordination of the Ministry of National Education, Vocational Training, Higher Education and Scientific Research, which issued interdepartmental guidelines. Reasonable accommodation was made for children with disabilities where appropriate: for example, special arrangements were made to enable pupils with visual or hearing impairments to sit examinations. Overall, educational success rates for children with disabilities stood at around 70 per cent, with thousands obtaining high-school diplomas.

43. Awareness-raising activities with regard to education for children with disabilities were carried out in partnership with regional authorities and regional civil society organizations. Regional authorities were also responsible for providing specific assistance, whether on a one-off basis — with examinations, for example — or throughout the school year. Efforts were made to avoid children dropping out of school and to foster a love of learning and engagement with education, especially in rural areas. The national education plan was closely aligned with article 24 of the Convention, and progress was being made in moving towards an integrated approach, including in teacher training and continuing professional development activities. Among other things, in-service training aimed to combat stereotypes and promote human rights in education.

44. **Mr. Ait Brahim** (Morocco) said that families were increasingly in favour of sending children with disabilities to mainstream schools, which would help in pursuing an

integrated approach. Under the Government's 15-year plan to reform the education sector, a single compulsory and universal education system was the ultimate goal, with support provided where necessary.

45. Given the importance of language for participating in communication, the Government had passed legislation, inspired by article 30 of the Convention, to enable persons with hearing impairments to follow parliamentary proceedings and mainstream media broadcasts in sign language. Sign language modules were taught in a number of institutions. With support from UNDP, a project was underway to standardize sign language across the countries of the Maghreb.

46. **Mr. Bellarab** (Morocco) said that increasing amounts of funding were being earmarked for sporting activities for persons with disabilities. Major efforts were under way to promote sport at all levels, with a steady increase in the number of sports clubs nationwide. Sports for persons with disabilities were supported through the creation of special sports centres — for persons with visual impairments, among others — while logistical and financial assistance was provided for sports activities at universities to promote inclusion. Improvements were being seen in schools, as teacher training institutes worked to promote an inclusive attitude among teachers towards children with disabilities and their participation in sports locally, regionally and nationally. As a result of government support, participation in the Paralympic Games had increased, and Moroccan athletes had been among the medal winners. The next aim was to expand the number of disciplines represented.

47. **Mr. Diouri** (Morocco) said that, since the 1990s, there had been concerted efforts to halt the spread of HIV/AIDS, which had slowed as a result. Work had focused in particular on screening, early detection and prompt treatment.

48. **Mr. Belrhit** (Morocco) said that the right to employment, including for persons with disabilities, was enshrined in the Constitution. Difficulties had been encountered with regard to the quota system for the employment of persons with disabilities. The Government had endeavoured to apply several reform measures within the civil service, issuing ministerial orders to introduce competitive examinations for persons with disabilities to fill certain vacancies and to abolish the upper limit on the number of posts that could be held by persons with disabilities in a particular unit. A committee had been set up to monitor the implementation of those measures.

49. In the private sector, Framework Law 97-13 established a compact between the State and employers, fixing overall numbers of jobs and quotas for the employment of persons with disabilities. Persons with disabilities were employed even in sectors where no such quota existed. In partnership with the International Labour Organization and national trade unions, the Government had organized a day of workshops to consider the issue. The unions were seeking the adoption of measures to promote the employment of persons with disabilities and examining their conditions of employment. Occupational safety and health issues were also being taken into account. The Government aimed to ensure that persons with disabilities were able to work in appropriate conditions with no discrimination in terms of pay, responsibilities or career prospects. For self-employed people, regulations existed to encourage enterprise creation.

50. **Mr. Cherkhi** (Morocco) said that the situation of persons with disabilities was a key issue for the social protection system. Since 2012, various groups had benefited from a fund for vulnerable categories of person. Targeted programmes had been introduced to reduce school dropout rates, support widows and assist children with disabilities and their families. The number of those who benefited from the fund had been increasing since 2015 and extra categories of eligible recipients had been added. Thousands of children received support for their schooling. The fund had also been used to encourage job creation within enterprises and to support those in self-employment. There was no age limit for beneficiaries.

51. Framework Law 97-13 provided for support to be given to parents and guardians of children with disabilities. University grants were available for persons with disabilities to continue their studies. A system to assist in finding housing was also in place, and model residential projects had been set up, with specific criteria to determine eligibility, as part of efforts to reduce the number of people, including those with disabilities, living in precarious

situations. In addition, the Framework Law established a system of support for persons with disabilities who had no means of income, offering them social protection mechanisms.

92. **Ms. Hakkaoui** (Morocco) said that, under a newly introduced system based on a unified register, assistance provided to widows was no longer conditional on their having children of school age. A joint project with the World Bank was helping to ensure targeted social protection for persons with disabilities.

93. **Mr. Ait Ibrahim** (Morocco) said that the Government had published a national sustainable development plan in July 2017, which had been announced earlier in the year at a regional event of the Organization for Economic Cooperation and Development. Morocco had been chosen as the focal point for the Arab countries for Sustainable Development Goal 4, on quality education. Work was under way in that area, in line with the indicators established by experts.

94. **Mr. Chebbi** (Morocco) said that Morocco was involved in various international cooperation projects on a range of issues with different partners. They included a project with the World Bank on accessibility, working with the Economic Commission for Africa on indicators to monitor the implementation of the Convention, cooperating on several projects with UNDP in the area of disability policy, a new system for evaluating the impact of activities carried out with the World Health Organization (WHO) and a joint project with the European Union on the rights of persons with disabilities.

95. **Mr. Mohamed Anwar Boukili** (Morocco) said that Morocco was also working with the United Nations Children's Fund (UNICEF) and Handicap International on a new approach to learning compatible with the needs of persons with disabilities and on the accessibility of the education system, at both primary and secondary levels. In the health sector, partnerships had been agreed with organizations such as Handicap International, the United Nations Educational, Scientific and Cultural Organization, WHO, UNDP and UNICEF, and a significant number of measures had been taken under the National Health and Disability Plan.

96. **Mr. Dinari** (Morocco) said that international cooperation agreements were also in place in the field of sports, including bilateral agreements with sports federations and universities.

97. **Ms. Hakkaoui** (Morocco), acknowledging the shortcomings in the treatment of persons with disabilities despite legislative, policy and practical measures to improve the situation, said that there was a need not only to allocate resources but also to change attitudes and patterns of behaviour. Those in positions of authority had a particular responsibility to meet the expectations of persons with disabilities. Her Government was committed to improving matters further, for example by promoting sign language and accessibility and by defining the concept of legal capacity more precisely, and would continue to promote and protect the rights of persons with disabilities, working in close collaboration with civil society and taking the Constitution as its fundamental frame of reference. Welcoming the constructive and open-minded dialogue with the Committee, she said that information on gender-specific questions would be provided in writing in due course.

The meeting rose at 1 p.m.

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Summary record of the 340th meeting
Held at the Palais des Nations, Geneva, on Thursday, 17 August 2017, at 3 p.m.

Chair: Mr. Pyaneandee (Vice-Chair)
later: Ms. Degener (Chair)

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In the absence of Ms. Degener, Mr. Pyaneandee, Vice-Chair, took the Chair.

The meeting was called to order at 3 p.m.

Consideration of reports submitted by parties to the Convention under article 35 (*continued*)

Initial report of Montenegro (CRPD/C/MNE/1; CRPD/C/MNE/Q/1 and Add.1)

1. *At the invitation of the Chair, the delegation of Montenegro took places at the Committee table.*

2. **Mr. Kulevija** (Montenegro), introducing his country's initial report (CRPD/C/MNE/1), said that Montenegro had ratified the Convention in 2009, thereby joining the group of States that sought to ensure the full and equal enjoyment of human rights and fundamental freedoms by all persons with disabilities. Under the Constitution of Montenegro, the provisions of the Convention were an integral part of the domestic legal order and took precedence over domestic legislation.

3. In recent years, Montenegro had strengthened its legislative and institutional framework for the protection of persons with disabilities. The Prohibition of Discrimination against Persons with Disabilities Act, for instance, had been adopted in 2015, and recent amendments to the Anti-Discrimination Act, an umbrella law, had brought it fully into line with relevant international standards. A number of strategies had been adopted to combat the discrimination faced by members of vulnerable groups. Those strategies sought, among other things, to ensure the integration of persons with disabilities, protect them from discrimination and promote equality. The Strategy for the Integration of Persons with Disabilities in Montenegro for the period 2016-2020, which was modelled on the European Disability Strategy (2010-2020), involved an assessment of the results of the Strategy's previous iteration, for the period 2008-2016, and had been drafted in consultation with representatives of non-governmental organizations (NGOs) that campaigned for the rights of persons with disabilities.

4. A number of improvements had been made to the system of social and child protection in Montenegro, which included the adoption in 2013 of the Social and Child Protection Act and the introduction of licensing requirements for social workers. Families and individuals were entitled to some benefits, such as care and assistance allowances, personal disability allowances and compensation for the parent or guardian of a recipient of a disability allowance, regardless of their means. A person's health determined whether he or she was entitled to such benefits. The recipients of care and assistance allowances were also entitled to a number of other benefits.

5. Standards had been developed for the provision of counselling, mediation, therapeutic, accommodation and other services to persons with disabilities. Three residential institutions for elderly people and other adults could accommodate persons with disabilities. Home-based care was provided for some 1,200 older persons, most of them with disabilities. Some children with disabilities who were not cared for by their parents were placed in an institution. The country had 13 day-care centres for children with disabilities and a small home community for such children who were deprived of parental care. The safety of children in institutions, where punishment of any kind was prohibited, was guaranteed. Educational support was provided for the children, who were also entitled to free summer and winter holidays.

6. The standards for institutions accommodating adults with disabilities were similar to those for institutions for children. All persons in institutions, whether adults or children, were cared for by a team of experts and, insofar as was possible, they were consulted on matters affecting them. Legislation had also been adopted to ensure the exercise of the right of persons with disabilities to various forms of personal assistance.

7. There were legal incentives for the occupational rehabilitation and employment of persons with disabilities and rules for the financing of grants awarded by a fund set up to support the employment of persons with disabilities had been adopted in 2014 and amended in 2016. The sum of €6 million had been earmarked for the fund in 2017. In general, every

effort was made to ensure that persons with disabilities found jobs that corresponded fully to their needs and abilities.

8. Steps had been taken to bring Montenegrin legislation into line with the Convention and the country's own plans for promoting the rights of persons with disabilities. Since the amendment to article 42 (a) of the Criminal Code, for instance, committing crimes against persons with a disability out of hatred of such persons had been considered an aggravating circumstance. Criminals who victimized persons with disabilities could be charged under a specific article of the Criminal Code. Prisoners with disabilities were protected by law.

9. The system of inclusive education in Montenegro drew on European and other international standards. Children with disabilities attended kindergartens and mainstream schools. Integrated classes at regular schools were open to children with severe disabilities and special institutions had been transformed into centres of support for inclusive education.

10. In recent years, a large number of NGOs active in the field of disability rights had been consulted on the development of policies and laws affecting the lives of persons with disabilities. Other developments of relevance to such persons included the adoption of a rule book on the methods of medical rehabilitation in health-care institutions, amendments to the Spatial Planning and Construction Act and efforts to ensure the appropriate marking of parking spots reserved for persons with disabilities.

11. Montenegrins had won medals in a number of sporting events for persons with disabilities. The country had hosted two international tournaments for goalball, a Paralympic discipline designed for persons with visual disabilities.

12. NGOs played a major role in the implementation of the Convention in Montenegro. The funding that they received from the State enabled them to provide a large number of essential services. The continuing marginalization of persons with disabilities suggested, however, that further empowerment of the non-governmental and other sectors would be necessary if persons with disabilities in Montenegro were ever to fully enjoy their rights.

13. **Mr. Lovászy** (Country Rapporteur) said that Montenegro, which was among the countries that had ratified the largest number of international human rights instruments, had demonstrated its commitment to human rights. The protection of persons with disabilities was mentioned in the Constitution of Montenegro and it was in Montenegro that the first Braille version of the Convention in the Balkans had been published. Despite a number of other positive developments, however, much remained to be done.

14. The apparent lack of a general law or legal framework addressing all aspects of accessibility was one obstacle to the full implementation of the Convention in the State party. Accelerating the deinstitutionalization of persons with disabilities would enable the State party to meet a major requirement for the receipt of European structural and investment funds and thus overcome another obstacle to implementation of the Convention.

15. It would be interesting to learn more about the rules governing the financing of the grants awarded to support projects for the employment of persons with disabilities. In particular, he wondered whether the grants were awarded in transparent fashion and whether organizations of persons with disabilities had any say in the awards. He would welcome information on any plans that had been made to ensure a stable and sustainable financial situation for the NGOs that provided local services to persons with disabilities.

16. The delegation should comment on how the provisions regarding universal design in Montenegrin legislation translated into everyday life. Similarly, it would be interesting to know more about reasonable accommodation in the State party, both as it was addressed in the law and as it was provided — or not — in practice. In that connection, he asked whether the State party intended to ratify the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled. It would also be interesting to know whether the State party had taken an official stance on the possible incompatibility of the Convention and the draft Additional Protocol to the Oviedo Convention on Human Rights and Biomedicine concerning the protection of human rights and dignity of persons with mental disorders with regard to involuntary placement and treatment.

17. The adoption of the Strategy for the Integration of Persons with Disabilities in Montenegro for the period 2016-2020 was a step forward, but he would welcome clarification of the areas of activity of the numerous strategies referred to in the replies of the State party to the list of issues (CRPD/C/MNE/Q/1/Add.1). In that connection, it would be interesting to learn about the expected outcomes of recently implemented strategies for the social inclusion of Roma and Egyptians, for protection from domestic violence, for sustainable development and for the advancement of female entrepreneurship. It was disappointing that the State party had not recognized Montenegrin Sign Language as an official language.

18. Although the compatibility of the State party's system of inclusive education with European legislation was commendable, the European Union had limited jurisdiction over education matters. The State party should therefore take inspiration in that connection from the Convention and the Committee's draft general comment on the right to inclusive education. As policy and programme planning required reliable data, the State party should also consider taking an improved approach to data collection.

Articles 1-10

19. **Mr. Rukhledev** asked whether organizations of persons with disabilities, including representatives of the deaf community, had been invited to participate in the development of the Strategy for the Integration of Persons with Disabilities in Montenegro for the period 2016-2020. In addition, he wondered whether efforts to combat stereotypes about persons with disabilities were effective, whether the Government was considering recognizing sign language and, if so, whether there would be any public programmes to support its development.

20. **Mr. Kim** Hyung Shik said that he wished to know how often the Council for the Care of Persons with Disabilities met and what some of its most significant achievements had been. It would be preferable for the name of the Council to refer not to the "care" of persons with disabilities, a word that struck a paternalistic note, but to their rights.

21. **Mr. Ishikawa** asked whether the Anti-Discrimination Act contained a provision stating that the denial of reasonable accommodation constituted an act of discrimination.

22. **Mr. Langvad** asked how the State party had evaluated the Strategy for the Integration of Persons with Disabilities for the period 2008-2016 and what the outcome of the Strategy had been. In addition, he wished to know what funding had been set aside for the implementation of the new version of the Strategy for the period 2016-2020, how the State party intended to monitor the implementation of the Strategy and how it intended to involve organizations of persons with disabilities in its monitoring efforts.

23. The State party should indicate when it intended to develop a plan for the deinstitutionalization of persons with disabilities. The opening address by the head of the delegation seemed to suggest that younger persons with disabilities sometimes lived in institutions for much older persons. Such arrangements, if made against the will of the young persons concerned, constituted a violation of the Convention. Deinstitutionalizing persons with disabilities would enable the State party to optimize European Union funding by using it to build inclusive accommodation rather than to maintain residential institutions.

24. **Mr. Chaker** said that he would appreciate information on steps taken to ensure that children with disabilities had equal access to community-based programmes and services and on the human and financial resources allocated.

25. **Mr. Basharu** said that he wished to know whether the Government would consider adopting a single definition of disability in line with the Convention. He would also appreciate information on steps taken to include persons with disabilities and their representative organizations in awareness-raising campaigns and on efforts to portray persons with disabilities positively in the media. Lastly, he wished to know what progress had been made in improving accessibility in the State party since the submission of its report, particularly with regard to access to the physical environment and to information and communications technology.

26. **Mr. Martin** said that he wished to know what was being done to assist and strengthen organizations of persons with disabilities in supporting persons with intellectual and psychosocial disabilities.

27. **Mr. Buntan** said that he would appreciate any information or statistics on the number of persons with disabilities who had been able to file complaints under the Anti-Discrimination Act. He asked whether there were any legal remedies for persons with disabilities whose rights had been violated or who had been subject to discrimination. Moreover, he wished to know whether there was any kind of public procurement in the State party and, if so, whether it had been used as a means of promoting accessibility, particularly in transportation and communications. He also asked whether there were any legally enforced accessibility standards or sanctions against persons or bodies who failed to comply with those standards.

28. **Mr. Tatić** said that he wished to know whether anyone had yet been tried under the Criminal Code since it had been amended to provide harsher sanctions for discrimination. He would also welcome updated information on a case in which a person with disabilities had been unable to obtain access to a health-care centre in Podgorica; the case had been reported to the relevant complaints mechanism, but the recommendation made by the mechanism with a view to remedying the situation had not yet been implemented.

29. He would appreciate further information on any measures taken by the State party to protect women and girls with disabilities from violence, exploitation, degrading treatment and all kinds of discrimination, including intersectional discrimination.

30. Drawing the State party's attention to the Committee's general comment No. 2 on article 9 (Accessibility), which was available in a number of Eastern European languages, he said that he would welcome information on any cases where sanctions had been imposed on persons or bodies that had not implemented accessibility standards. He wished to know whether there was any training on accessibility for students of architecture, urban planning or similar subjects, or any mandatory courses on accessibility for civil servants or other professionals.

31. He asked what steps had been taken to ensure that the new universal emergency helpline was accessible to deaf persons, whether automatic teller machines were fully accessible for blind persons and what support was provided for wheelchair users in airports, hotels and government buildings.

32. **Mr. Alsaif** said that he would appreciate confirmation that reasonable accommodation and affirmative action were universally available to persons with disabilities and that discrimination against persons with disabilities was prohibited in all situations. He would be grateful for any available statistical information on children with disabilities and asked how early intervention services distinguished between diseases and disabilities. He asked what legal and administrative guarantees were in place to provide day care for children with disabilities.

33. **Mr. Babu** said that he would appreciate further information on the rules and safeguards that ensured that NGOs and civil society organizations were able to assist in developing public policy, and on the procedure governing cooperation between NGOs and public authorities.

34. **Mr. Kabue** said that it appeared that persons with disabilities had not been consulted in developing certain laws that affected them and that other laws had been changed without their knowledge. He therefore wished to know how the Government planned to cooperate with persons with disabilities and their representative organizations on policy formulation, development and follow-up. He asked what the impact of the Anti-Discrimination Act had been since its entry into force; how many cases of violations of the rights of persons with disabilities had been heard under the Act; and whether reasonable accommodation had been taken into consideration during the development of the Act, given that it was not explicitly mentioned in the text.

35. **Mr. Ruskus** said that definitions of disability in the State party varied between sectors, did not necessarily conform with the Convention and emphasized impairments while ignoring societal barriers to participation. Moreover, the rights-based concept of

disability was not mainstreamed across all sectors and the medical model was widely used. The Strategy for the Integration of Persons with Disabilities for the period 2016-2020 contained no schedule for adopting a single definition in line with the Convention, or for mainstreaming and applying such a definition in all sectors, including in disability determination mechanisms. He wished to know how the Government planned to harmonize its definition of disability with the Convention in order to ensure that all persons with disabilities were able to receive support and participate in society.

36. It appeared that programmes and measures to protect women with disabilities from discrimination, violence and other degrading treatment had not been implemented. The reported number of cases of women with progressive neurological or genetic diseases who faced discrimination, abuse or abandonment was a matter of great concern. He wished to know how the State party would address the issue.

37. **The Chair** said that he wished to know what legal structures were in place to protect the right to life, including in cases of assisted suicide and abortion.

38. **Mr. Lovászy** said that the State party should clarify some of the terms that it had used in its initial report, including "mentally ill", "emotional impairments" and "emotional capacity", and asked how such terminology would be harmonized with the Convention.

39. He wished to know whether there were any special protection services for persons with disabilities, apart from the national emergency helpline, and what kinds of information and means of communication were accessible to women with sensory impairments or intellectual or psychosocial disabilities. He would welcome further information on the protocol for cooperation to combat child abandonment agreed between the Ministry of Labour and Social Welfare and the Ministry of Education and Science and on the pilot project on family outreach conducted by those ministries. He also wished to know whether there was a comprehensive road map on increasing the accessibility of public transport and buildings, including signals for pedestrians and clear signposting. He would be grateful for further information on the status of 13 buildings that were to be made accessible, as it appeared that only 11 of them had been adapted, to date.

40. As there were reportedly only nine registered sign language interpreters in Montenegro, he asked why there were no sign language programmes at Montenegrin universities and whether there were any plans to invest in sign language provision and education.

The meeting was suspended at 4.10 p.m. and resumed at 4.30 p.m.

41. *Ms. Degener took the Chair.*

42. **Mr. Kuševija** (Montenegro) said that the Government had been implementing a deinstitutionalization policy in recent years and day-care centres for children with disabilities had been opened regularly since 2003. There was also a small group home where children with disabilities without parental care could be accommodated and negotiations were ongoing to obtain funds to build a new home. Further day-care centres for children, adults and older persons with disabilities were planned and would help those persons integrate into the local community and remain close to their families and educational establishments. Under the deinstitutionalization policy, each institution for children with disabilities had its own transformation plan; the Komanski most Institute, for example, had stopped accommodating minors and was developing assistance measures in accordance with its plan. Children under 3 years of age were no longer institutionalized unless all other possibilities had been exhausted and there were no children in that age group in the Madost orphanage in Bijela.

43. The Government was legally obliged to invite NGOs to cooperate in the development of new legislation. An online process enabled NGOs to register their interest and the organization with the most support was invited to send a representative to a policy working group. The Council for the Care of Persons with Disabilities invited NGOs to cooperate in the same manner and currently had five NGO representatives.

44. Under the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, an emergency helpline had been piloted in 2015

for victims of domestic violence and had been operated by an NGO that ran a similar helpline. The project had been expanded in 2017 and provided services in languages other than Montenegrin. In accordance with the Social and Child Protection Act, relevant NGOs would receive government authorization to expand the service further to include sign language and increase accessibility. Religious organizations could also be licensed to provide such services if they employed personnel with relevant experience. Beneficiaries of those services had the right to choose their service providers, all of which were subject to government inspection and listed in a register.

45. The system of financing services for persons with disabilities was being developed and could be finalized when the relevant NGOs and service providers had been licensed. Day-care centres for children with disabilities received State funding of €150 per child from the Ministry of Labour and Social Welfare.

46. **Ms. Medojević** (Montenegro) said that the Government had allocated over €1 million from the revenue derived from games of chance to finance plans and programmes jointly with NGOs and civil society organizations, many of which aimed to raise awareness of persons with disabilities and strengthen their capacities. Owing to amended legislation on financing and with a view to distributing the funding fairly, the Government was carrying out a sectoral analysis of strategies, documents and regulations to ensure that the requirements of NGO projects were met in the 2018 State budget. The analysis was being conducted in consultation with interested NGOs and would also be used to determine which NGO projects or programmes would be financed.

47. Regarding the definition of disability, it should be recalled that the majority of laws adopted after ratification of the Convention had used the Committee's definitions, unless it had been necessary to use specific terminology. The Government aimed to harmonize all definitions with the Convention by means of action plans.

48. **Ms. Đurić** (Montenegro), replying to questions about the participation of organizations of persons with disabilities in policymaking, said that a government office oversaw cooperation with NGOs. Organizations of persons with disabilities were represented through the Council for the Care of Persons with Disabilities, though its status in the advisory process had recently been downgraded. The Government, when deciding how to allocate support, was obliged to choose the entities or projects deemed most worthy by NGOs. That meant that it could not, for example, insist that an organization representing persons with a particular type of impairment be chosen. The Government held public consultations when adopting texts of relevance to persons with disabilities. Representatives of civil society were also included in the development of education policy. Her Government's cooperation with NGOs was intensive and often productive.

49. The working group in charge of preparing the report to the Committee had included representatives of all 15 government ministries. NGOs had been invited to nominate candidates for three seats in the working group to be filled by representatives of civil society, but the NGO sector had found that three was an insufficient number and had preferred instead to prepare its own report on the subject. Some NGOs had nevertheless officially provided input to the Government-led drafting process, in the context of public consultations on the report.

50. Work to meet the needs of persons with disabilities was funded largely through taxes on games of chance. Some 40 per cent of the funds were spent on programmes benefiting persons with disabilities, while the remaining 60 per cent were used either to fund the work of other NGOs or for other purposes.

51. Organizations of persons with disabilities were also involved in her country's negotiations on accession to the European Union, particularly negotiation chapters 19, which concerned social policy and employment, and 23, on judiciary and fundamental rights.

52. Replying to a question about ensuring the safety of persons with disabilities, particularly children, and especially those in institutions, she said that very few persons with disabilities in Montenegro lived in institutions. There was an individual development

plan for each child. Institutions were monitored by both the Government and the national torture prevention mechanism.

53. **Ms. Popović** (Montenegro), speaking about her Government's cooperation with organizations of persons with disabilities, said that, in addition to legally mandated cooperation with such organizations during the drafting of laws, joint media campaigns were organized regularly. There were also joint events for sharing views, experiences and best practices. Her Government kept such organizations informed about those of its activities that were relevant to persons with disabilities. As for the question about the monitoring of the implementation of the Strategy for the Integration of Persons with Disabilities for the period 2016-2020, she said that organizations of persons with disabilities were represented in the various entities involved in monitoring implementation of the Strategy. NGOs had also participated in the preparation of guidelines for the use of rehabilitation in treatment.

54. Replying to a question about reasonable accommodation, she said that article 18 of the most recent amendment to the Prohibition of Discrimination against Persons with Disabilities Act defined reasonable access or accommodation. Legal persons that were required to provide access to certain buildings and facilities for persons with disabilities but failed to do so were subject to large fines.

55. Regarding complaints of discrimination against persons with disabilities, she said that the Office of the Ombudsman was required to keep records of all complaints of alleged discrimination. Since 2010, the Office had recorded a handful of complaints per year, with various outcomes. Since 2009, at least no criminal proceedings had been instituted relating to cases involving such discrimination. Discrimination suffered by women with disabilities was addressed in several regulations and strategic documents. For example, the Ministry of Human and Minority Rights recognized multiple discrimination through the Strategy for the Protection of Persons with Disabilities against Discrimination and Promotion of Equality for the period 2017-2021. The Action Plan for Achieving Gender Equality included a special focus on women with disabilities. The Anti-Discrimination Act included gender as a ground for discrimination and the Prohibition of Discrimination against Persons with Disabilities Act also recognized discrimination based on sex or gender. Those laws contained sanctions for multiple discrimination.

56. Regarding training, she said that for some years the Ministry of Human and Minority Rights had been conducting training for public servants in combating discrimination. Groups targeted to date included judicial workers, police officials and social workers. Upcoming training for those working with vulnerable social groups would include a module on discrimination against persons with disabilities.

57. **Ms. Klikovac** (Montenegro) said that the health-care system in Montenegro considered all citizens equal before the law. Key laws governing the sector were the Health Insurance Act and the Patients' Rights Act. While she could not say with certainty that there was no discrimination whatsoever in the health-care system against persons with disabilities, it was not systemic. Any discrimination was perpetrated by individuals and subject to punishment.

58. As for mental health, she said that the Government was preparing a new law on the subject that would be harmonized with European Union legislation and with international instruments to which Montenegro was a party. The Ministry of Health had established a commission on mental health, which would draw up a strategic document and a one-year action plan. All three documents were expected to be finalized in 2018.

59. Regarding sign language, she said that every health-care institution in Montenegro had at least one staff member trained in the use of sign language. Furthermore, under the Constitution, patients using non-official languages were to be provided with interpretation services. As for the reported complaints about the accessibility of health-care centres in Podgorica, she said that the Ministry of Health had instructed the relevant authorities to make the necessary adjustments. She understood that those adjustments were being planned and would be completed by mid-2018. She added that it was not true that people with multiple sclerosis received no medical treatment or support.

60. Replying to a question about the exercise of the right to health protection, she said that she could provide data showing that all health-care establishments had protected the rights of their patients. There was a national quality control commission, and each establishment had its own quality control commission. During the past two years there had been no complaints by persons with disabilities.

61. Amendments to the Abortion Act had been proposed by NGOs representing persons with disabilities. The Ministry of Health was of the view that the Act should not be amended for the time being. Although it was necessary, it would be difficult to harmonize the Patients' Rights Act with the Abortion Act. The first provided that no medical procedures could be performed, including on pregnant women or persons with disabilities, without the written consent of the patient, while the second stated that abortions could be performed only if the woman's life or health was in danger.

62. **Ms. Milić** (Montenegro) said that efforts had been made to standardize Montenegrin Sign Language, with input from the Ministry of Education, representatives of persons with hearing impairments and experts from the Resource Centre for Hearing and Speech Disorders in Kotor. One-handed and two-handed signs for new letters of the Montenegrin language had been developed, as well as a basic vocabulary of the standardized Montenegrin Sign Language.

63. With regard to institutionalization, special institutions had been transformed into resource centres. There were three such centres in Montenegro: one for hearing and speech impairments, one for intellectual disabilities and autism and one for physical and visual impairments. The resource centres focused on the question of how to offer inclusive education for children with disabilities. For instance, mobile support teams had been established to assist children with disabilities in mainstream schools. The resource centres offered disability-focused training to staff members, had offices dealing with assistive technology and cooperated closely with NGOs in the drafting of strategies. The centres also stressed the importance of early intervention for persons with disabilities and paid particular attention to vulnerable categories of the population. Training sessions were provided in the centres for kindergarten staff working with children with disabilities. Moreover, a project had been developed, with the support of the United Nations Children's Fund (UNICEF), which sought to train employees of child day-care centres on how to recognize signs of abuse, neglect or violence in children.

64. The course programme for students of architecture did not contain a separate module on the issue of accessibility for persons with disabilities, although the issue was included in a general manner within all architectural studies. Students of architecture were required to consult with persons of disabilities during their studies on the issue of accessibility.

65. **Ms. Raičević** (Montenegro) said that the Spatial Planning and Construction Act of 2008 and the rulebook on detailed conditions and methods of adjusting facilities for access and movement of persons with reduced mobility provided for the accessibility of public buildings for persons with disabilities. From the beginning of the construction process to its completion, emphasis was placed on the issue of accessibility. Project design documentation and the construction of buildings was overseen by supervisory bodies to ensure compliance with technical requirements. Upon completion of the building, a technical building commission inspected the construction and made the final decision as to whether to grant the building a permit.

66. The main challenge lay in ensuring the accessibility of buildings that had been constructed prior to the introduction of the Spatial Planning and Construction Act. A new law was currently being drafted in that regard. Workshops and round tables on the issue of accessibility were held regularly at both the municipal and the national level. An action plan to adapt public buildings for access and movement of persons with reduced mobility and persons with disabilities required local governments to inform the relevant national authorities of activities undertaken to improve the accessibility of buildings. Out of the 23 local governments, 19 had produced detailed plans of their buildings in public use. The action plan also provided for databases to be created at local and national level to analyse the accessibility of buildings. Under the action plan, 70 priority buildings had been selected from across the country for adaptation purposes. Although there was a lack of funding, the

Government aimed to adapt as many of the priority buildings as possible in order to improve their accessibility for persons with disabilities.

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67. **Mr. Langvad** said that he would like to know why the Government had not cooperated with organizations of persons with disabilities before deciding to use revenues from taxes on games of chance to fund services for such persons and whether it intended to do so in the future. He asked whether the Government was taking steps to ensure that small group homes for persons with disabilities were not becoming institutions, whether any initiatives had been planned to ensure independent living schemes for those in need of 24-hour assistance and how the State party guaranteed that persons with disabilities did not live in care settings with persons with whom they did not get along.

68. **Mr. Martin** said that he would appreciate a comment from the delegation on how the State party intended to repeal guardianship laws and put into place supported decision-making for persons with disabilities. He sought clarification on whether persons deprived of legal capacity were informed about their rights. Noting with regret that persons with intellectual disabilities in Montenegro were kept in institutions, he asked why the practice persisted and whether the Government planned to close such institutions to allow persons with disabilities to live in communities. In that connection, he would welcome information on the precise number of persons with disabilities living in open and closed institutions.

69. **Mr. Tatić** said that the number of cases taken to court per year related to disability-based discrimination was fairly low and he wondered why persons with disabilities were not making more use of the available legal frameworks and submitting more complaints to the relevant authorities in order to protect their rights. He would be interested to hear about the ways in which information on natural disaster risks was delivered in accessible formats to persons with disabilities, whether via sign language and subtitling for persons with hearing impairments, Braille for persons with visual impairments and easy-to-read formats for persons with intellectual disabilities.

70. He would appreciate a comment on the options available to persons with disabilities requiring 24-hour personal assistance and on whether the newly adopted Social and Child Protection Act explicitly provided for personal assistance for such persons. He asked how personal assistants were selected, what criteria were used to select beneficiaries of such services and how many persons with disabilities were currently receiving personal assistance.

71. **Mr. Ruskus** said that he was concerned that persons with disabilities deprived of legal capacity were placed under the guardianship of Centres for Social Work. Existing provisions on legal capacity in Montenegro were not consistent with the human rights-based model of disability and the right to equal recognition before the law. He would like to know the number of persons with disabilities placed under guardianship, whether the Government intended to amend the Family Act to bring it into line with the Convention and whether steps were being taken to restore full legal capacity for persons with disabilities and to promote supported decision-making. He regretted that persons with psychosocial disabilities often stayed for long periods of time in psychiatric hospitals or social care institutions as a result of the lack of available community-based services. He asked how the rights and freedoms of such persons were ensured, to what extent the policy of free and informed consent was guaranteed and how the Government monitored social care institutions.

72. **Mr. Kim** Hyung Shik said that he would welcome further clarification on the policy of institutionalization adopted by the State party. He was unsure that it was in line with the Convention.

73. **Mr. Ishikawa** said that he wished to know whether the Government was collecting data on the average length of hospitalization for persons with psychosocial disabilities and the number of involuntary hospitalizations. He also noted that the Discrimination against Persons with Disabilities Act considered the inaccessibility of buildings and services a form of discrimination only against persons with reduced mobility and not against persons with other types of disability.

74. **Mr. Rukhlieder** said that he would appreciate more information on how the legal capacity of persons with disabilities was ensured. He wanted to know whether such persons were entitled to own property and receive personal inheritance and whether they were able to obtain bank loans and mortgages. He also asked whether sign language interpretation was provided in administrative and non-judicial procedures, who paid for such services and whether associations of deaf and hard-of-hearing persons participated in assessing the qualifications of sign language interpreters.

75. **Mr. Basharu** said that the State party needed to update its use of language towards persons with disabilities, in view of the fact that the State party report included non-conventional terms, such as "deaf-mute" and "dumb". He would like to be informed about accommodation available to persons with disabilities, whether such persons had access to information through sign language, Braille and easy-to-read text formats, whether mobility assistive devices were available at an affordable cost and what kind of training was offered to users of such devices.

76. **Mr. Buntan** said that he would be interested to know whether the State party intended to adopt the practices and policies contained in the Sendai Framework for Disaster Risk Reduction, which would ensure accessibility for persons with disabilities during disasters or emergencies and would help to promote the idea that such persons could contribute to building safer and more resilient societies. He also asked whether persons deprived of legal capacity were qualified to stand trial and whether persons with intellectual or psychosocial disabilities who had committed a crime were allowed to stand trial or were sent directly to psychiatric facilities.

77. **Mr. Chaker** said that he would welcome information on existing coordination mechanisms between risk prevention bodies and organizations of persons with disabilities. He asked whether shelters and assistive devices were available to persons with disabilities during emergency situations and what information on risks and emergencies was available in accessible format for such persons.

78. **Mr. Parra Dussan** said that he would like to know whether persons with disabilities were restricted from assuming positions within the judicial system, as judges or notaries, for example.

79. **The Chair** said that she would appreciate statistics on the numbers of persons with disabilities placed under guardianship since the ratification of the Convention by the State party and precise figures for the amount of money invested in supported decision-making regimes since the entry into force of the Convention. She was concerned that the Protection and Rights of Mentally Ill Persons Act entitled police officers to arrest a person on suspicion of the person's having a psychosocial disability. The same law also provided for biomedical research to be carried out on persons with disabilities without their free and informed consent. Such provisions were in conflict with the Convention and she wondered whether the State party would consider repealing the relevant articles.

80. **Mr. Lovászy** said that he wished to know whether there had been cases in which children with disabilities had been able to participate in judicial proceedings that concerned them. In addition, he noted that, if blind people were unable to sign documents for themselves, they were obliged to provide a fingerprint of their right index finger. He wondered whether such persons were consequently classified as illiterate. He would welcome more information on the safeguards available to patients in psychiatric institutions to protect them from abusive doctors and on the conditions under which patients were able to leave such institutions. Furthermore, he asked for further clarification on the situation at the Komanski most Institute, and whether the perpetrators of ill-treatment had been prosecuted. He would like to know whether the benefit entitlements for persons with disabilities were in line with the Convention and whether claims that the procedure for obtaining benefits was complicated and involved additional costs for applicants were justified.

The meeting rose at 6.05 p.m.

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Seventeenth session

Summary record of the 341st meeting
Held at the Palais des Nations, Geneva, on Friday, 18 August 2017, at 10 a.m.

Chair: Ms. Degener

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Initial report of Montenegro (continued)

Any corrections to the present record should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@un.org).

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by parties to the Convention under article 35 (*continued*)

Initial report of Montenegro (*continued*) (CRPD/C/MNE/1; CRPD/C/MNE/Q/1 and Add.1)

1. *At the invitation of the Chair, the delegation of Montenegro took places at the Committee table.*

Articles 11-20 (*continued*)

2. **Ms. Begović** (Montenegro), replying to questions raised by Committee members at the previous meeting, said that the Government was working to improve both the accessibility and the quality of information available on its websites. In consultation with organizations representing persons with disabilities, it had produced guidelines for civil servants on developing materials that were fully in line with international standards and took account of the needs of persons with visual or hearing impairments. The main government web portal and the subportals of the different administrative bodies included audio and video content and were being modified to make it possible to alter screen contrast and font size, and it was recommended that documents for downloading should be made available in Daisy format as well as pdf and Word. The work was already funded and completion was planned by the end of 2017. Website developers were required under article 50 of the Public Procurement Act to take accessibility for persons with disabilities into account in their work, and administrators and other State employees responsible for government websites were to receive training to raise their awareness of the issue.

3. **Ms. Durić** (Montenegro) said that the funds produced by the revenue from gambles of chance were allocated by six subcommissions, each with three members, one of whom represented the non-governmental sector. There had been strong consensus among them on the list of programmes and projects approved for 2017. The Komanski most institution was the only place in the country with accommodation for adults with intellectual disabilities. It currently had 110 residents - 61 men and 49 women - and the average length of stay was 18 years. Individuals were admitted there only as a last resort and with a reasoned referral from the guardianship authorities; a person could not be placed there on the simple request of a family member. When an admission was agreed to, an individual care plan was drawn up on the basis of full medical documentation and personal information, with the person's strengths as well as the risks recognized so that the stay could be made as beneficial as possible. Proper legal provision was made to protect property and income, and support was given to help monitor the person's spending. There was a special admission path for persons admitted on an urgent basis, for instance, on the death of their carer. The institution had 75 employees, of whom 12 were professional staff, including medical doctors. Other medical specialists — such as neuropsychiatrists and dentists — attended the residents when required but were not full-time staff. Occupational therapy and other activities, including visits to cultural and sporting events outside the institution, were organized and residents were encouraged to attend to their daily needs and hygiene. The residents also enjoyed holidays at centres in the mountains in winter and at the coast in the summer.

4. Staff held monthly meetings with case workers from the corresponding social work centre to discuss individual cases and revise care plans if necessary. The introduction of an electronic social card had made it easier for case workers to follow the situation of each resident on a daily basis. The institution itself was inspected regularly, including by coalitions of non-governmental organizations (NGOs) and the Office of the Ombudsman. Many of the resultant comments had been acted upon and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment no longer had any criticism of Komanski most. There had been one recent case, in March 2017, of a resident being found to have a fractured foot and bruising below one eye. The staff member who had been on duty on the night in question had been suspended immediately and, when the investigation had found him to be guilty, had been dismissed and charged with a criminal offence. The Social and Child Protection Act prohibited any punishment of individuals in a care setting, but staff needed to be properly trained. Training had been

given recently to all employees of the institution, both professional and support staff, in how to communicate with persons with severe intellectual disabilities. The expert providing the training had spent an extended period there to give all the employees the opportunity to ask any questions they wanted to.

5. **Ms. Medojević** (Montenegro) said that equal recognition before the law was a fundamental principle guaranteed in the Constitution. There was a clear procedure to be followed before a person could be deprived fully or partially of legal capacity. The professional in charge held an interview during which the process was explained and information was given on other forms of guardianship. Evidence and documentation had to be provided to show that the individual was unable to make use of his or her rights or meet normal obligations. Where deprivation of legal capacity was agreed to, the social welfare centre responsible would draw up an individual plan in collaboration with a representative of the guardianship authority and the individual concerned. The appointed guardian — who could not also be the case manager — was required to submit regular, and at least annual, reports. Between 31 December 2016 and 31 March 2017, the courts had decided on full deprivation of legal capacity in 32 cases and partial deprivation in 3, while 3 cases had been withdrawn and 2 were pending. Persons with disabilities were entitled to free legal aid and if a person who was hard of hearing was not able to communicate with the court in writing or otherwise, an interpreter would be provided. As concerned access to employment, there was no ban on persons with disabilities becoming judges or notaries, the only criterion for such positions being the necessary qualifications. In respect of automated teller machines, while the machines themselves were accessible, the services offered had not been adapted to cater for persons with disabilities. An appropriate solution would be sought. Article 67 of the Family Act provided for free expression of opinion for children on all matters concerning them and the courts had to provide the proper conditions for them to do so. Measures to be taken in humanitarian emergency situations fell under the remit of the Ministry of the Interior; in such situations, the necessary information was provided through the public media with the use of sign language and subtitles.

6. **Ms. Klikovac** (Montenegro) said that Montenegro had capacity at all levels of the health-care system to address psychiatric disorders and help persons affected live with dignity. The 18 health-care centres and numerous health-care facilities in the country offered primary care and the country's seven general hospitals each had a psychiatric department. There was also a renowned psychiatric clinic, with 20 beds, which formed part of the university medical faculty in Podgorica. It had recently been renovated, but there were plans to replace it with a new, purpose-built clinic. Lastly, the specialized psychiatric hospital in Dobrota had 240 beds to care for the most severe cases; it was currently functioning at 100 per cent of capacity and even accepted individuals with less severe symptoms over the weekend, when some of its weekday patients were allowed to go home.

7. One of the problems was that up to 70 persons convicted of criminal offences who had psychiatric conditions were serving their sentences in the Dobrota hospital rather than in the nearby prison, which was not equipped to deal with such prisoners; it currently had only an infirmary, although construction on a general hospital with a psychiatric unit was to begin in the coming months. In general, the length of stay in psychiatric hospitals or units depended on the severity of an individual's condition. In less severe cases, a stay might range between 3 and 15 days until a final diagnosis had been made and certain therapies had been administered, after which the patient would continue treatment at home, with daily consultations and home visits. However, approximately 100 patients stayed for longer periods. In much more severe cases, particularly if patients showed signs of aggression or were a risk to themselves or others, involuntary stays could last for several years.

8. In the field of biomedicine, blood tests could not be carried out without the permission of the Minister for Health and the certified, signed consent of the patient seeking a diagnosis.

9. **Mr. Kulevija** (Montenegro) said that psychiatrists, psychologists and social workers were employed in the country's seven centres for mental health, working in accordance with the mental health strategy. Individual plans were drawn up for patients to support them in moving back to their communities, where they would be provided with adequate care and services. Such services were currently being developed by the Ministry

of Labour and Social Welfare, based on a mapping of needs at the local level, and there were plans for the social inclusion of persons with psychosocial disabilities. Programmes were also being developed to provide home care for older persons, and 14 municipalities in the northern region had been supported through such programmes. Community day-care centres and services were also being developed for older persons so as to support their families and avoid institutionalization.

10. When it came to budgeting for persons with disabilities, in 2016 the Government had allocated some €3.3 million to fund the personal disability allowance, €12 million to cover the personal care and assistance allowance and €4.5 million in compensation to guardians or carers, as well funding other allowances and the salaries of personnel in State institutions. The children's allowance for children with disabilities had been increased by 20 per cent. Personal assistance services were provided for in the Social and Child Protection Act.

11. **Mr. Moračanin** (Montenegro) said that the Employment Agency provided personal assistance services based on an assessment of the beneficiaries' needs. The Agency had organized a competition and hired 844 personal assistants to provide support for basic everyday tasks for persons with disabilities, with priority given to persons who had difficulty finding a job because of their disability. The Government had spent €87,000 in 2016 and €65,000 in the first part of 2017 on subsidizing personal assistance services.

12. **Mr. Kuševija** (Montenegro) said that, in 2017, approximately 90 children — mostly children with disabilities who had not been chosen for foreign adoption — were housed in the municipal children's homes, compared to 187 previously. In cooperation with the United Nations Children's Fund (UNICEF), work was under way on the development of small group homes so as to ensure that children could remain in their communities. A transitional group home had been established in the northern region of Montenegro to accommodate young adults once they could no longer stay in children's homes. Further community-based services would continue to be developed to promote independent living. Day-care centres for children with disabilities were being established in accordance with European Union guidelines to ensure that parents could continue to work. In the past, such children had been stigmatized and remained in their homes, but successful awareness-raising campaigns had been conducted to change attitudes in that respect. The services provided were social in nature rather than educational. Such day-care services were not available in every town in the country, but the objective was to ensure that they were available to all children who needed them.

13. **Ms. Milić** (Montenegro) said that some of the former special education schools had been transformed into resource centres, one of which was focused on providing resources for children with visual impairments. The staff of the centre had in recent years provided training in all of the country's kindergartens for approximately 360 educators, psychologists and representatives of NGOs and associations of parents of children with disabilities, focusing on early intervention, Braille and pre-reading skills. Training sessions on the use of Braille had been organized in eight elementary schools for 108 participants. The resource centre also had a mobile unit that visited schools attended by children with disabilities to devise individual educational programmes for students. Textbooks were made available in Braille, as well, and students who needed them were provided with two copies — one to keep at home and one to keep at school — bearing in mind the weight of books in Braille. In cooperation with UNICEF, work had begun on translating textbooks into easy-to-read format for children with intellectual disabilities and conditions such as dyslexia and dyspraxia. The relevant training had been provided to 109 teachers, including teachers of the Montenegrin language, in 50 schools.

14. **Mr. Milošević** (Montenegro) said that, when it came to the accessibility of air and maritime transport, his country applied the relevant international conventions to which it was a party and had fully harmonized its system. Some challenges remained with respect to rail transport, as older trains could not be brought in line with international accessibility standards. However, accessibility criteria were taken into account when purchasing new trains and the three purchased in recent years were all fully accessible. New rail transport regulations would be drawn up by 2019 and persons with disabilities would be consulted during the drafting process. Road transport posed the most complex challenge to

accessibility, as services were provided by the private sector. However, efforts were made to raise awareness and ensure that service providers fulfilled accessibility standards. For example, under a new law on road transport, bus stations that did not meet accessibility standards would not be issued with an operating licence. Progress had also been made with respect to transport by taxi; local governments determined the minimum number of taxis that needed to be made accessible to persons with disabilities. At the municipal level, public transport services were put out to public tender and local governments were encouraged to make compliance with accessibility standards one of the criteria for selection. Two local governments had already done so.

15. **Ms. Medojević** (Montenegro) said that the Government provided financial support for the publication and distribution of magazines in accessible format for persons with visual impairments. The Library for the Blind also had a postal service that delivered books in audio or Braille formats to persons with visual impairments. When it came to the physical accessibility of buildings, none of the buildings of the Ministry of Justice were technically fully adapted to persons with disabilities, although ground-floor offices were accessible. By law, witnesses who could not appear in court because of a disability had the possibility of being heard in their home. The short-sentence prison was fully accessible to wheelchair users, with the exception of the sanitary facilities. The Supreme Court was accessible to persons with disabilities. As for the buildings of the Ministry of the Interior, ramps had been installed in police stations and rooms had been specially adapted for the detention of persons with disabilities.

Articles 21-33

16. **Mr. Langvad**, said that he wished to ask some follow-up questions relating to article 9 on accessibility. Since 2001, European Union member States had had a mandatory obligation to provide accessible buses in municipalities. However, it seemed that in Montenegro the Government was negotiating with the private sector in asking them to meet that commitment: was there no mandatory legislation providing for accessible buses in cities? He wished to know how the Government measured the standard of living, income and disability-related expenses for persons with disabilities and their families who did not receive State support. He would be interested to know how persons with disabilities were being involved in international cooperation with other countries in the region and with European Union member States. Lastly, the delegation should indicate whether the State party had a strategic plan for the full incorporation of the Convention into national legislation and regulations and, if so, what kind of indicators would be used to measure progress in that regard.

17. **Mr. Martin** said that he would like to know whether persons with intellectual disabilities in Montenegro had the right to vote and to marry and, if not, why not. He wondered whether there were any plans to make information available in easy-to-read format for persons with intellectual disabilities, including non-nationals who did not speak the Montenegrin language. The delegation should clarify whether forced sterilization was still permitted and, if so, explain the justification for the practice. It might also describe how persons with disabilities participated in the media.

18. **Mr. Ishikawa**, following up on his question on article 5, said that, while he acknowledged the Government's efforts to prevent discrimination, the Prohibition of Discrimination against Persons with Disabilities Act, the Act was not fully in line with the Convention. The delegation should confirm whether the denial of reasonable accommodation was considered a form of discrimination under the Act. He also wished to know whether blind students could take the exams for admission to higher education in Braille and whether sign language interpreters and note-takers were provided for students who were deaf or hard of hearing.

19. **Mr. Buntan** said that he would welcome clarification concerning whether any provision of the Public Procurement Act required accessibility. According to reports, such a provision had existed since 2011 but had been repealed in July 2017. He asked what the legal status of sign language, Braille, easy-to-read and other accessible formats was in the State party. Information from civil society, especially organizations of persons with disabilities, indicated that most persons with disabilities did not progress beyond secondary

education. Were there any well-established support systems in place for students with disabilities in tertiary education? The delegation had repeatedly referred to the role played by NGOs, but the Convention specifically stated that organizations of persons with disabilities should be consulted and actively involved in relevant legislative, policy and decision-making processes. He asked whether the State party had specific legal requirements in that regard and whether financial, technical or other steps were systematically taken to enable persons with disabilities, through their representative organizations, to participate in such processes.

20. **Mr. Chaker** said that he would like information on the employment rate of persons with disabilities in the public and private sectors and on the legal protection for their labour rights, including protection against dismissal on the grounds of disability.

21. **Mr. Rukhledev** said that he would welcome clarification concerning the extent to which education for persons who were hard of hearing involved the use of sign language. He asked whether universities in the State party had lecturers trained in sign language and in working with young people with hearing disabilities. Were such staff able to improve their qualifications, including in the use of modern assistive technologies? He also asked how many students with hearing impairment were enrolled in secondary and tertiary vocational education programmes, whether sign language interpretation services were provided for such students and, if so, how they were funded.

22. He asked whether persons with disabilities or their organizations participated in the political and social life of the State party, whether polling stations and political information were accessible, whether televised political debates were signed, and whether any members of parliament had disabilities. He also wished to know about the accessibility of sporting facilities, the existence of State programmes for adapted sports and the sports regularly practised by persons with disabilities. Lastly, he wondered what measures the State party took to encourage persons with disabilities to develop and utilize their creative, artistic and intellectual potential.

23. **Mr. Basharu** asked whether blind people had access to texts in Braille, whether they were trained in its use and whether sufficient teachers were available. He wished to know what proportion of time was given over in the media to providing accessible information, such as programmes with signing and how far health care provision was accessible. In addition to making polling stations accessible, he wondered what other measures were taken to enable persons with disabilities, particularly hearing impairments and intellectual or psychosocial disabilities, to participate in the electoral process before, during and after elections. He would also be grateful for clarification concerning the designation of the State party's focal points for implementation of the Convention, its independent monitoring mechanisms and the role of organizations for persons with disabilities. In that connection, he asked what financial resources were available for such focal points and independent monitoring mechanisms.

24. **Mr. Al Saif** said that he would welcome information on fines levied under article 29 of the Prohibition of Discrimination against Persons with Disabilities Act. He also asked whether a comprehensive, accessible database on persons with disabilities was available.

25. **Mr. Ruskus** asked whether legislation provided for specific support for persons with disabilities to exercise parental rights, including through adoption and fostering. With regard to education, he asked how the State party was monitoring the inclusive education strategy introduced in 2008, how successful it had been in terms of enrolment and performance of students with disabilities, how many such students were still in segregated education and how reasonable accommodation was made in mainstream schools. Given that rehabilitation was apparently still being provided on the basis of predetermined criteria, he asked what steps were being taken to move to a model based on individual needs. Lastly, he asked how athletes with disabilities were supported to participate on an equal basis with others at municipal and higher levels and how they were rewarded for their achievements.

26. **Mr. Tatić** asked what deadlines had been set for the removal of barriers at bus stations and what percentage of intercity buses and buses in major cities were accessible; what budget would be allocated to improving the accessibility of websites and whether any deadlines were planned for making publicly managed websites accessible; and whether

hard-of-hearing persons were permitted to refuse to make initial statements in judicial proceedings in written form and use the services of a sign language interpreter instead. If not, were there plans to change the relevant procedural legislation? He would also welcome information on the accessibility of tourist and cultural venues in the State party. He wondered whether hotels advertising themselves as accessible were monitored to ensure compliance and whether organizations of persons with disabilities were involved in the process.

27. **Mr. Parra Dussan**, highlighting the challenge of achieving fully inclusive education, asked how long the Government envisaged that transition period would be.

28. **Mr. Kim** Hyung Shik asked to what extent the State party had been successful in implementing its by-laws and ordinances to promote the employment of persons with disabilities. In his view, the special legal protection preventing persons with disabilities from being reassigned to duties away from their place of residence in fact violated the Convention by restricting freedom of choice and he enquired what justification the State party had for such a provision. He asked what progress had been made in ensuring respect for the principle of equal pay for work of equal value; he would welcome data in that regard. He also asked for figures to indicate whether special conditions and quotas for the employment of persons with disabilities were achieving the desired objective and what penalties were imposed on employers who failed to abide by the rules.

29. Article 32 of the Convention stressed the importance of partnership with international and regional organizations, in particular organizations of persons with disabilities. He therefore wondered whether, in the State party, the latter were directly involved in the process of international cooperation. How was international cooperation used as an instrument for achieving objectives such as the Sustainable Development Goals, in particular Target 10.2?

30. **Mr. Kabue** asked whether the Government planned to ratify and apply the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled. He was surprised that the Ministry of Justice had professed to be unaware of the fact that a different ministry had resolved the issue of marriage by those under guardianship by removing the relevant prohibition and he would be grateful for clarification. Drawing attention to the statement made in paragraph 117 of the State party's initial report to the effect that education for persons with disabilities was oriented towards vocational training, he asked whether support was available if students with disabilities wished to progress further. Concerning discrimination in employment, he asked whether anyone had been prosecuted for such offences and what the outcome had been. He would welcome information on the operation of the fund for employment creation financed by contributions levied from employers that did not meet quotas for employing persons with disabilities and he would be interested to learn how the fund created employment. Lastly, he asked what criteria were used to determine whether persons with disabilities were provided with housing by the State and whether it was possible to live adequately on the disability allowance of €111 per month.

31. **The Chair** said that she had some follow-up questions relating to articles 10, 14, 15 and 19. Since institutionalization seemed to present the greatest challenge to implementing the Convention in the State party, she asked whether any specific procedures existed for dealing with allegations of abuse in hospitals, especially if a death occurred. There had been reports of persons with disabilities dying of suffocation in hospital and she wondered whether autopsies were compulsory when an institutionalized person with a disability died. In view of the fact that the use of chemical and physical restraints might amount to torture or ill-treatment, she asked what steps were being taken under the State party's national mechanism for the prevention of torture to eliminate their use. With regard to the State party's reported plans to build a hospital with a dedicated ward for convicted persons with disabilities, she highlighted the incompatibility of such a practice with the Convention, as explained in the Committee's guidelines on article 14. Convicted persons with disabilities should enjoy all the same rights as other arrested or convicted persons. She also urged the State party to heed the Committee's forthcoming general comment No. 5 on article 19: no matter how dangerous a person was perceived to be, institutionalization per se was not in

line with the Convention. Investment in deinstitutionalization was the best means of preventing further human rights violations.

32. Turning to the issue of domestic violence, she enquired what the mandate was of the multidisciplinary teams operating within the State party, how they provided support to women and children, in particular those with disabilities, and what measures the State party took to protect women and children with disabilities from all forms of exploitation, violence and abuse. Was the helpline mentioned accessible to all, including persons who were hard of hearing, and if not how did the State party intend to make it so? She also wished to know whether medical services, including gynaecological examination facilities, were accessible to women with disabilities.

33. She asked whether the State party planned to incorporate the questions formulated by the Washington Group on Disability Statistics into its household census. Lastly, she invited the State party to avail itself of the technical cooperation offered by the Committee.

34. **Mr. Lovaszy** (Country Rapporteur) said that he would welcome information about the reported closure of the commission responsible for allocating lottery funding. Referring to article 21 of the Convention, he asked whether any specific legal obligations were in place to increase the provision of subtitling and captioning in public and private media. With regard to article 24, he enquired how matters stood with regard to adapting educational institutions to make them accessible and how many institutions had made such adaptations. He would like to hear more about the implementation of the State party's communication strategy, together with the relevant figures. On article 27, he asked what experts other than physicians were consulted when persons with disabilities were examined in initial proceedings and what legal remedies were available in respect of second-level decisions. He also asked what had been the effect of removing the upper limit on financial subsidies for employees with disabilities and what the unemployment rate was among persons with disabilities. Lastly, with regard to article 33, he asked how the team appointed to evaluate the implementation of the State party's disability strategy would fulfil its obligations under the Convention and whether it could be considered part of one or more of the independent bodies and mechanisms referred to therein.

The meeting was suspended at noon and resumed at 12.20 p.m.

35. **Mr. Milošević** (Montenegro) said that the Public Procurement Act legislation still included a requirement on accessibility. All contractors were obliged to meet technical requirements, which must be included in tenders. That provision also applied to municipal buses. Regulations allowed for existing buses to be adapted, where possible, for example by installing platforms. New transport legislation had been introduced; implementing legislation would follow. It was envisaged that the deadline for removal of barriers from bus stations would be relatively short and such removal would be compulsory. Data on the percentage of buses that were accessible could be provided in due course; however, the number remained low. There were plans to introduce training modules for bus drivers, which would include the topic of accessibility.

36. **Ms. Popović** (Montenegro) said that, under the Prohibition of Discrimination against Persons with Disabilities Act, discrimination in the field of public transport, by legal entities, representatives of legal entities or entrepreneurs, was punishable by fines ranging from €500 to €20,000. The obligation to provide reasonable accommodation was covered by both the first and second paragraphs of article 18 of that law.

37. As outlined in paragraph 11 of her country's replies to the list of issues (CRPD/C/MNE/Q/1/Add.1), efforts were being made to bring national legislation into line with the Convention. The Ministry of Human and Minority Rights had established a commission, composed of representatives of civil society and various governmental departments, to monitor the implementation of the Strategy for the Protection of Persons with Disabilities against Discrimination and Promotion of Equality for the years 2017 to 2021, using indicators that had been developed.

38. Discrimination against persons with disabilities in the field of employment was also punishable by fines. On average, the Office of the Ombudsman received six complaints of discrimination against persons with disabilities each year. In 2016, seven cases of

discrimination of that kind had been brought before the civil courts; none had been brought before the Supreme Public Prosecutor's Office or the High Misdemeanour Court. Six cases were currently pending in 2017.

39. As outlined in paragraphs 145 to 151 of the replies to the list of issues, steps had been taken to enable persons with disabilities to participate fully in political life. Their right to do so was protected by a comprehensive legislative framework, which included the Prohibition of Discrimination against Persons with Disabilities Act. A number of campaigns and conferences on that issue would be organized in the coming year.

40. The National Tourism Organization had organized training in the preparation of travel plans for persons with disabilities. The Government had supported many initiatives to adapt tourism facilities to accommodate persons with disabilities. Hotels were being brought into line with the accessibility standards established by law. A number of tourism-related projects, including the development of an Android application for persons with disabilities, had been implemented by NGOs, using funding allocated under the Games of Chance (Lottery Fund) Act.

41. **Ms. Milić** (Montenegro) said that her country was heavily involved in the Special Olympics Unified Sports programme. There were currently seven associations working in the field of unified sports. Forty-five training sessions for unified sports trainers were organized each year. The Government had launched a unified sports initiative in five kindergartens, supplying the necessary equipment and providing training for over 100 teachers; the initiative had benefited more than 150 children so far.

42. A number of measures had been taken to increase the accessibility of schools and education, including the provision of special textbooks for children with disabilities. The Government hoped to implement further improvements using funding provided by the European Union in the framework of the Instrument for Pre-Accession Assistance.

43. Higher education was free for all students, including students with disabilities. Under the Higher Education Act, higher education establishments were required to adapt their teaching methods and facilities to the needs of persons with disabilities, for example by providing sign language interpreting during lectures. In most cases, university entrance was granted on the basis of secondary school examination results, as opposed to an entrance examination. Students with visual impairments had access to examination papers in Braille and could be accompanied by an assistant during examinations.

44. There were 4,667 children with disabilities; around 80 of those children had been referred to resource centres in Podgorica and Kotor. Children were referred to resource centres only if it was in their best interests; the Government aimed to continue decreasing the number of referrals. Individual development plans were drawn up for all children with disabilities, based on their needs and preferences, to support them throughout their studies and to prepare them for the world of work. The authorities monitored the drafting and implementation of those plans, taking into account the Inclusion Index. Although hard-of-hearing children were primarily catered for by the resource centre in Kotor, a total of 75 such children attended mainstream schools.

45. **Mr. Moračanin** (Montenegro) said that the draft rulebook on the methodology and financing of special organizations had not yet been approved by the Secretariat for Legislation and would be revised. Steps had been taken to establish a separate unit within the Employment Agency for the implementation of policies relating to the employment of persons with disabilities, as well as a fund financed by contributions from employers, as outlined in paragraphs 132 and 133 of the replies to the list of issues. The budget available for the training and employment of persons with disabilities had increased significantly in recent years, from €135,000 in 2009 to €6 million in 2017.

46. In 2015, the State auditors had published a report and issued recommendations on the use of funds in that area. On the basis of those recommendations, the Ministry of Labour and Social Welfare would decide whether there should be a separate budget for professional rehabilitation and the employment of persons with disabilities, within the budget of the Employment Agency.

47. **Ms. Begović** (Montenegro) said that the government guidelines for the preparation of documents contained a section on making information accessible to persons with intellectual disabilities. Government documents could be published in the Cyrillic and Latin alphabets and in minority languages, such as Albanian. Efforts were under way to ensure that all 55 websites of State institutions were compatible with screen readers by mid-2018. A total of €40,000 had been set aside for that purpose in 2017. There were also plans to adapt the websites of local authorities.

48. Article 50 of the Public Procurement Act, relating to accessibility, remained in force. Organizations of persons with disabilities had recently been granted greater recognition and funding through amendments to various pieces of legislation.

49. **Ms. Medojević** (Montenegro) said that the concerns raised regarding the provision of sign language interpreting in judicial proceedings would be taken into account when the relevant legislation was amended in 2018. The Family Act did not prevent all persons with disabilities from entering into marriage, only persons with intellectual disabilities who were deemed unable to give their consent. The State provided funding for the development of radio and television programmes that were accessible to persons with visual or hearing impairments and media service providers were encouraged to ensure that their services were accessible to such persons.

50. **Mr. Kuševija** (Montenegro) said that the Government was considering ratification of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled in the context of its application to accede to the European Union.

51. In addition to the personal disability allowance, several other types of financial support were available for persons with disabilities and their families, including an allowance for care and assistance and compensation for parents and guardians; in combination, those allowances could amount to as much as €570 per month. The multidisciplinary teams established under the Protection from Domestic Violence Act included representatives of NGOs; there was no limit on the duration of their mandate.

52. He was very grateful to the Committee for engaging in a constructive dialogue with the delegation. His Government was willing to take all necessary steps to protect the rights of persons with disabilities, based on the Committee's recommendations.

53. **Mr. Lovászy** said that, although the State party had made significant progress, much work remained to be done. The dialogue had revealed some misunderstandings regarding the human rights approach to disability. He hoped that the Government would take steps to execute the Committee's recommendations, in close consultation with organizations of persons with disabilities, with a focus on implementation at the local level, and to make all documents relating to the reporting process, including the Committee's concluding observations, available to the general public.

The meeting rose at 1.05 p.m.